

ORIGINAL

63927

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Morris Esacove, doing business)
as STATEWIDE TANK LINES, to sell)
and)
SUBURBAN FUEL CO., a California)
corporation, to buy petroleum)
irregular route common carrier)
rights between points in the)
State of California.)

Application No. 39597

ORDER REVOKING OPERATIVE RIGHT

The certificate of public convenience and necessity acquired by Suburban Fuel Co., a California corporation, doing business as Statewide Tank Lines, has been suspended since June 7, 1961, for unauthorized discontinuance of operations.¹ The Commission is informed that the carrier has not resumed its operations since that date.

The Commission received a copy of a cancellation notice dated March 29, 1962, addressed to Suburban Fuel Co., doing business as Statewide Tank Lines, whereby Western Motor Tariff Bureau, Inc., notified it that its participation in various tariffs would be canceled effective July 1, 1962.²

¹ Decision No. 62008 dated May 16, 1961, in Application No. 39597. The certificate authorizes service as a petroleum irregular route carrier for the transportation of petroleum and petroleum products, in bulk, in tank trucks and tank trailers between all points and places in the State of California.

² The tariffs are Scope of Operations and Participating Carrier Tariff No. 4, Cal.P.U.C. No. 6; Local Freight and Express Tariff No. 3-D, Local Freight Tariff No. 30-A and Local Freight Tariff No. 33-B, Cal.P.U.C. Nos. 25, 26 and 27 (Agent Elmer Ahl series), respectively; and Distance Table No. 4, Cal.P.U.C. No. 15 (Agent J. L. Beeler series).

Subsequently, by letter from the Secretary of the Commission, the carrier was placed on notice that the involved petroleum irregular route operative right would be subject to suspension or revocation, pursuant to lawful procedures, should it fail to maintain the tariffs in effect. The publishing agent filed with this Commission a tariff revision canceling the tariffs effective July 1, 1962. The carrier has not filed tariffs to replace the canceled tariffs.

Section 486 of the Public Utilities Code requires that common carriers of property file with this Commission schedules showing their rates and classifications and Section 493 of the Code provides that no common carrier shall engage or participate in the transportation of property until its schedules of rates and classifications have been filed.

The certificate of Suburban Fuel Co. having been suspended for more than a year for discontinuance of operations, required tariffs not being on file and the Commission being of the opinion and finding that such failures constitute good cause for revocation of the certificate and cancellation of the related power of attorney,

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a petroleum irregular route carrier, acquired by Suburban Fuel Co. by Decision No. 56068, dated January 14, 1958, in Application No. 39597, is hereby revoked.

2. Power of Attorney AFL No. 1 issued by Suburban Fuel Co. in favor of Western Motor Tariff Bureau, Inc., is hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Suburban Fuel Co. or to mail a certified copy thereof to it at its last known address as shown in the Commission's records.

The effective date of this order shall be the thirtieth day after such service upon Suburban Fuel Co., or after the above mailing to Suburban Fuel Co., as the case may be, unless before such effective date there shall have been filed with this Commission a written response to this order denying the facts set forth herein, or requesting public hearing, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 10th day of July, 1962.

George J. Grover
President
W. H. (B) Hatchett
S. L. Fox
Fredrick P. Hildebrand
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.