

ORIGINAL

6753S

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
GEORGE HILLYER, to sell and UTILITY)	
PETROLEUM CO., a California Corpora-)	Application No. 37025
tion, to buy, petroleum irregular)	
route common carrier rights between)	
points in the State of California.)	

ORDER SUSPENDING OPERATIVE RIGHT

Utility Petroleum Co., a corporation, possesses a certificate of public convenience and necessity to operate as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

The Commission received a copy of a cancellation notice dated April 14, 1964, addressed to Utility Petroleum Co. whereby Western Motor Tariff Bureau, Inc., Agent, notified it that its participation in various tariffs would be canceled effective July 20, 1964.¹

Subsequently, by letter from the Secretary of the Commission, Utility Petroleum Co. was placed on notice that its certificate would be subject to suspension or revocation, pursuant to lawful procedures, should it fail to maintain tariffs in effect. The publishing agent filed with this Commission tariff revisions canceling the participation of Utility Petroleum Co. on July 20, 1964. The carrier has not filed tariffs to replace the canceled tariffs.

¹ The tariffs are Western Motor Tariff Bureau, Inc., Agent, Scope of Operation and Participating Carrier No. 4, Cal.P.U.C. No. 6; Distance Table No. 4, Cal.P.U.C. No. 15, (J. L. Beeler, Agent, Series); Local Freight and Express Tariff No. 3-D, Cal.P.U.C. No. 25, (Elmer Ahl, Agent, Series); and Local Freight Tariffs Nos. 30-A and 33-B, Cal.P.U.C. Nos. 26 and 27, respectively (Elmer Ahl, Agent, Series).

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 required tariffs not being on file and the Commission being of the opinion and finding that such failure constitutes good cause for the suspension of this carrier's certificate,

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a petroleum irregular route carrier acquired by Utility Petroleum Co. by Decision No. 51770 dated August 2, 1955, in Application No. 37025 is hereby suspended pending further order.

2. All otherwise effective tariff schedules of such carrier filed pursuant to the certificate acquired by the decision referred to above are hereby suspended. Suspension supplements to tariff filings so suspended are not required and shall not be filed.

The Secretary is directed to cause service of a certified copy of this order to be made upon Utility Petroleum 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 twentieth day after such service or after the above mailing, as the case may be, unless before such effective date Utility Petroleum Co. shall have filed with this Commission a written request for public hearing or shall have filed the proper and lawful tariffs required by Sections 486 and 493 of the Public Utilities Code in which event the

effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 14th day of July, 1964.

Fredrick B. Holdhoff

President

[Signature]

George D. Hoover

William W. Bennett

Commissioners

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