

Decision No. 70298

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the petroleum )  
 irregular route operations of )  
 SHELDON OIL COMPANY, a corpor- )  
 ation. )

Application No. 47048  
 Petition filed December 15, 1965

O P I N I O N

Petitioner requests the Commission, pursuant to Section 1070 of the Public Utilities Code, to revoke its certificate as a petroleum irregular route carrier. Petitioner is commonly controlled with Sheldon Transportation Company, which holds a permit to operate as a petroleum contract carrier between points in California. The permit was originally issued July 28, 1958 (Permit No. 48-1298). On July 28, 1964, this Commission issued an amended permit containing a new restriction, reading as follows:

"(10) Permittee shall not engage in the transportation of property over the public highways under this permit when such transportation is covered by the petroleum irregular route carrier operative authority of Sheldon Oil Company, a corporation."

In this proceeding, by application filed October 16, 1964, petitioner informed the Commission that Sheldon Transportation Company was performing service for American Bitumuls & Asphalt Company, now Chevron Asphalt Company, pursuant to a written agreement embracing the transportation of asphalts and road emulsions in bulk within a substantial part of California, and sought suspension of the certificate so as to avoid violation of the restriction quoted above. In Decision No. 68452, dated January 12, 1965, the Commission granted the application for suspension but only to and including December 31, 1965. The contract service above described is still being performed

and is expected to continue for the foreseeable future. It is not desirable either to the shipper or to the Sheldon companies that the long-standing contract carrier operation be converted to common carriage. Therefore, it is proposed that petitioner's certificate as a petroleum irregular route carrier be revoked. Petitioner has determined that Sheldon Transportation Company can, as a petroleum contract carrier, lawfully perform all of the necessary services heretofore rendered by Sheldon Oil Company for a limited number of shippers.

This restriction was called to the attention of the parties and the Commission by the staff at the hearing held on December 7, 1965, in Application No. 47761. The certificate of public convenience and necessity granted to Sheldon Oil Company by Decision No. 58770, dated July 21, 1959, in Application No. 36131 authorizes it to transport asphalt and road oil as a petroleum irregular route carrier between Richmond and Radum. That authority was suspended to and including December 31, 1965 by Decision No. 68452, dated January 12, 1965, in Application No. 47048. Counsel at said December 7, 1965 hearing stated that Sheldon Oil Company desires that its operative authority as a petroleum irregular route carrier be revoked and this petition, filed December 15, 1965, now has been presented in order to permit Sheldon Transportation Company to operate under its permit from Richmond to Radum freed of the restriction above referred to. Otherwise, any relief which may be granted under Application No. 47761, filed July 22, 1965, will be ineffective.

The Commission finds that the suspension of operative rights by petitioner has not been adverse to the public interest and that public convenience and necessity do not require the reinstatement of petitioner's service as a petroleum irregular route carrier.

The Commission concludes that said operative rights should be revoked. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity as a petroleum irregular route carrier acquired by Sheldon Oil Company by Decision No. 58770, dated July 21, 1959, in Application No. 36131 is hereby revoked.

2. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized and directed to cancel the participation of Sheldon Oil Company from its tariffs on file with this Commission, such cancellation to be made within ninety days after the effective date of this order and on not less than ten days' notice to the Commission and the public.

The Secretary is directed to cause service of a certified copy of this order to be made upon Sheldon Oil Company or to mail a certified copy thereof to it at its last known address as shown in the Commission's records and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

Dated at ~~San Francisco~~ San Francisco, California, this 1st day of FEBRUARY, 1966.

Frederic B. Hallock  
President

George H. Hoover

Augusta

William C. Bennett  
Commissioners