

ORIGINAL

Decision No. 71527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of Application of)	
Charles L. Gulley Jr, doing)	
business as Chuck Gulley Road Oil)	
Service, for a Extension of)	
Authority to depart from Rates,)	Application No. 48855
Rules, and Regulations of Minimum)	(Filed October 11, 1966)
Rate Tariff No. 6-A relating to)	
Common Carriers, Highway Carriers)	
and City Carriers of Petroleum and)	
Petroleum Products in Bulk.)	

OPINION AND ORDER

Charles L. Gulley, Jr., doing business as Chuck Gulley Road Oil Service, operates as a petroleum contract carrier and as a city carrier. By Decision No. 69657, dated September 8, 1965, in Case No. 5436 (Petition for Modification No. 70), he was authorized to charge less than the minimum rates for the transportation and spreading of asphalt and road oils in tank truck equipment between points within a radius of 30 constructive miles of Sacramento or Fair Oaks for certain persons and firms. The authority expired with September 30, 1966. By this application, applicant seeks reinstatement of such authority.¹

At the public hearing previously held on September 3, 1965, in this matter, evidence showed that applicant is owner-driver of a

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The authorized less-than-minimum rate was based upon a minimum weight of 17,000 pounds per shipment and a minimum charge of \$11.40. The current minimum rate is 7½ cents per one hundred pounds, minimum charge \$26.55.

single piece of equipment, a 1964 tank truck with a maximum capacity of 17,000 pounds (2,250 gallons) equipped for use in spreading road oil and liquid asphalt.

According to applicant, he has oral contracts with 12 construction firms for which he provides transportation and spreading; with the exception of an oil company, he is the only for-hire carrier in the area operating equipment suitable for jobs requiring a small amount of asphalt or road oil; and application of the tariff minimums provides excessive charges for his services because shippers must pay for equipment capacity not available or used.

Applicant picks up the asphalt and road oil from suppliers at Sacramento and Fair Oaks and delivers and performs spreading service for road surfacing at locations within a radius of 25 miles from the points of pickup. His operation is characterized as handling of "small jobs," often requiring the transportation and spreading of quantities less than the full capacity of his tank vehicle.

Applicant alleges that there has been no change in the circumstances or conditions relating to the services granted in the original hearing and that he will assess and collect the same rates and charges in the future as authorized by Decision No. 69657, supra.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

The application shows that a copy thereof was served upon California Trucking Association on or about October 6, 1966. The application was listed on the Commission's Daily Calendar of October 13, 1966. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that applicant's proposal is reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the fact that the current authority expired with September 30, 1966, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Charles L. Gulley, Jr., is hereby authorized to depart from the provisions of Minimum Rate Tariff No. 6-A in connection with transportation and spreading of asphalt and road oils in tank truck equipment between points within a radius of 30 constructive miles of Sacramento or Fair Oaks, for the persons and firms set forth in Appendix A hereof, by assessing transportation rates based upon a minimum weight of 17,000 pounds per shipment and by applying a minimum charge of \$11.40 in connection with spreading services. In all other respects, the provisions of Minimum Rate Tariff No. 6-A shall be applicable.

2. The authority granted herein shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of November, 1966.

Peter J. H. ...
President

George T. ...

Fredrick B. ...

Augusta

William L. ...
Commissioners

APPENDIX A

LOU BERINITI
9372 Orangevale Avenue
Orangevale, California

BERNARDO & BERNARDO
2661 Fair Oaks Blvd.
Sacramento, California

L. D. FOLSOM, INC.
914 Berry Street
Roseville, California

STAN GILBERT, INC.
2391 Fair Oaks Blvd.
Sacramento, California

HEAVY CONSTRUCTION
400 Del Paso Blvd.
Sacramento, California

LENTZ CONSTRUCTION
8580 Elder Creek Road
Sacramento, California

LIDSTER & LAWSON
3230 - 27th Avenue
Sacramento, California

LUND CONSTRUCTION
4560 Auburn Blvd.
Sacramento, California

VAN GORDER CONSTRUCTION
1836 El Camino Avenue
Sacramento, California

WUNSCHEL & SMALL, INC.
6247 Ross Avenue
Carmichael, California

WILLIAM GUENBERGER
6025 Windel Lane
Sacramento, California

ROEBBELEN CONSTRUCTION
2550 Valley Road
Sacramento, California