

**ORIGINAL**

Decision No. 75132

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 and	)	
reinstatement of Authority to depart	)	Application No. 50692
from Rates, Rules, and Regulations	)	(Filed November 20, 1968)
of Minimum 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. By Decision No. 71527, dated November 9, 1966, in Application No. 48855, 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 has expired. By this application, applicant seeks reinstatement of such authority.<sup>1</sup>

According to applicant, he is the owner-driver of a 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; he has oral contracts with 12 construction

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<sup>1</sup>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 for spreading service. The current minimum rate is based on a minimum weight of 23,250 pounds per shipment and a minimum charge of \$29.15 for spreading service.

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.

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 November 19, 1968. The application was listed on the Commission's Daily Calendar of November 21, 1968. 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. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the fact that the aforementioned authority has expired, the order which follows will be made effective on the date hereof.

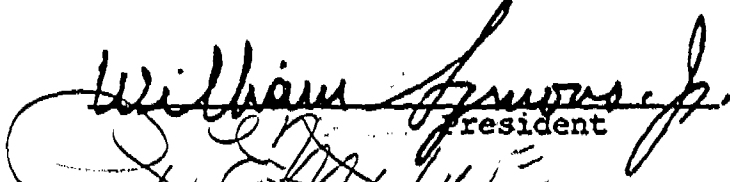
IT IS ORDERED that:


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 20<sup>th</sup> day of December, 1968.

  
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President

  
\_\_\_\_\_  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 75132

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

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

WILLIAM GUENBERGER  
6025 Windel Lane  
Sacramento, California

ROEBBELEN CONSTRUCTION  
2550 Valley Road  
Sacramento, California

(End of Appendix A)