

ORIGINAL

Decision No. 76806

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, charges and practices of V. B. MORGAN CO., a California corporation, and HUMBLE OIL AND REFINING CO., a Delaware corporation.

Case No. 8985  
(Filed October 21, 1969)

Phil Jacobson, for V. B. Morgan Co., and William R. Veal, for Humble Oil and Refining Co., respondents.  
William J. McNertney, Counsel, and E. H. Hjelt, for the Commission staff.

O P I N I O N

This is an investigation on the Commission's own motion into the rates, operations and practices of V. B. Morgan Co., a California corporation (Morgan), in connection with transportation of gasoline and diesel fuel in tank truck equipment performed by said respondent for Humble Oil and Refining Co., a Delaware corporation (Humble), during the period June through September 1968.

Public hearing was held before Examiner Mooney in Long Beach on January 13, 1970, on which date the matter was submitted. At the hearing, testimony and exhibits were presented by a staff rate expert, additional exhibits were introduced by staff counsel, and counsel for each of the respondents and the staff stipulated to all pertinent issues involved in the proceeding. The stipulation was as follows: All of the transportation involved herein was subject to the provisions of the Western Motor Tariff Bureau, Inc., Local Freight and Express Tariff No. 18 (WMTB Tariff No. 18); documentation requirements in said tariff were not complied with

in connection with any of the transportation; there was no intent on the part of the respondents to violate any provisions of WMTB Tariff No. 18. No additional evidence was presented.

The staff recommended that a punitive fine in the amount of \$1,500 be imposed on Morgan and that said respondent be directed to cease and desist from further violations of WMTB Tariff No. 18. Counsel for Morgan did not take exception to the staff recommendations. Counsel for both respondents pointed out that all of the provisions of WMTB Tariff No. 18 are now being rigidly adhered to in connection with all transportation performed by Morgan for Humble.

Because the aforementioned stipulation resolved all controversial issues, a detailed discussion and analysis of the evidence herein is unnecessary.

The Commission finds that:

1. Morgan operates pursuant to a petroleum irregular route common carrier certificate. Said respondent also holds other operating authority not involved herein.

2. Morgan participated in and had copies of appropriate common carrier tariffs and distance tables during the period of time covered by the transportation in question.

3. Documentation requirements in WMTB Tariff No. 18 were not complied with in connection with transportation of gasoline and diesel fuel in tank truck equipment performed by Morgan for Humble during the period June through September 1968.

The Commission concludes that Morgan should pay a fine pursuant to Section 1070 of the Public Utilities Code in the amount of \$1,500.

ORDER

IT IS ORDERED that:

1. V. B. Morgan Co., a California corporation, shall pay a fine of \$1,500 to this Commission on or before the fortieth day after the effective date of this order.

2. Said respondent shall cease and desist from violating applicable tariff rates, rules and regulations.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondents. The effective date of this order, as to each respondent, shall be twenty days after the completion of such service on such respondent.

Dated at San Francisco, California, this 17<sup>th</sup> day of FEBRUARY, 1970.

William J. Lyons Jr.  
President

Augusta  
William J.

Thomas

Vernon L. Sturgeon  
Commissioners