

Decision No. 86518

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JACK HOLLAND OIL CO. for authority to depart from the minimum rates pursuant to Section 3666 of the California Public Utilities Code for transportation performed for KAISER CEMENT & GYPSUM CORPORATION.

Application No. 56456  
(Filed May 4, 1976)

In the Matter of the Application of JACK HOLLAND OIL CO. for authority to depart from the minimum rates pursuant to Section 3666 of the California Public Utilities Code for transportation performed for KAISER CEMENT & GYPSUM CORPORATION.

Application No. 56457  
(Filed May 4, 1976)

Order Granting Rehearing  
(Decision No. 86221 dated August 3, 1976)

Richard W. Smith, Attorney at Law, and H. W. Hughes, for the California Trucking Association; and Wilfred Page Van Loben Sels, for Western Asphalt Service; protestants.

Russell, Schureman, Fritze & Hancock, by Carl H. Fritze, Attorney at Law, for Western Motor Tariff Bureau, Inc.; Edward J. Dunne, for Cantlay & Tanzola (Division of Western Gillette, Inc.); and P. J. Grace, for Sheldon Oil Co.; interested parties.

Everest A. Benton, for the Commission staff.

ORDER OF DISMISSAL AND ORDER RESCINDING DECISIONS NOS. 85870 AND 86221

By Decision No. 85870 dated May 25, 1976 Jack Holland, Sr., and Jack Holland, Jr., doing business as Jack Holland Oil Co., were granted interim authority, pending hearing, to deviate from the provisions of Minimum Rate Tariff 6-B in connection with the transportation of residual fuel oil for Kaiser Cement & Gypsum Corporation between Bakersfield and Permanente and Cushenbury, respectively.

A. 56456, 56457 km

Order Granting Rehearing of Decision No. 85870 was issued on August 3, 1976 in Decision No. 86221. Thereafter, all matters were consolidated for public hearing scheduled for October 1, 1976.

A written request for withdrawal of Applications Nos. 56456 and 56457 was received from applicant on September 30, 1976. At the October 1, 1976 scheduled hearing applicant's request was read into the record so that all parties would be duly notified. Arguments for dismissal of the applications with prejudice were persuasive.

IT IS ORDERED that:

1. Applications Nos. 56456 and 56457 are dismissed with prejudice.

2. Decision No. 85870 and Order Granting Rehearing Decision No. 86221 are rescinded.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of OCTOBER, 1976.

[Signature] President  
William Aguirre  
Vernon L. Sturgeon  
Almond Lora  
[Signature]  
 Commissioners

I abstain  
Robert Barinich

Commissioner