

Decision No. 87814 SEP 7 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)

PULMOR TANK LINES, INC., a)
California corporation, to pur-)
chase, and of UCO TANK LINES, a)
California corporation, to sell,)
a certificate of public conve-)
nience and necessity to operate)
as a petroleum irregular route)
carrier in the State of Cali-)
fornia.)

Application No. 57292
(Filed May 9, 1977)

OPINION

UCO Tank Lines, a California corporation, (seller) requests authority to sell and transfer and PulMor Tank Lines, Inc., a California corporation, (purchaser) seeks authority to purchase and acquire a petroleum irregular route carrier certificate of public convenience and necessity. The certificate was granted by Decision 81282, dated April 17, 1973, in Application 53834, as amended by Resolution 17802 adopted June 8, 1976, and authorizes transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

The application indicates that seller desires to withdraw from transportation of petroleum and petroleum products to devote its time to other fields of endeavor. Purchaser presently holds a petroleum contract carrier permit and points out that it would better serve the shipping public under the operating authority sought to be transferred.

Pursuant to the Agreement of Sale of April 13, 1977 between the parties, the purchase price for the certificate is \$5,000, payable upon the Commission's approval of the sale and transfer.

Seller is a party to Western Motor Tariff Bureau, Inc., Agent, tariff publications. Purchaser will be required to adopt the tariffs.

Purchaser indicates that it possesses experienced management and has adequate financial and equipment resources to insure an adequate and efficient service to the public at existing rate levels and that the proposed transaction will not have an adverse effect on either the public generally or on other carriers. Purchaser's balance sheet of December 31, 1976 shows net worth of over \$284,000.

Notice of the application appeared in the Commission's Daily Calendar of May 11, 1977. No protests to the application have been received. The buyer indicates that it is affiliated with a number of business organizations through common ownership. An appropriate alter ego restriction will be inserted into the certificate to reflect these affiliations.

After consideration, the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. The applicants should be granted a deviation from the Commission's Rules of Practice and Procedure which require wide dissemination of the application.

The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by UCO Tank Lines and the issuance of a certificate in appendix form to PulMor Tank Lines, Inc., a California corporation.

O R D E R

IT IS ORDERED that:

1. On or before February 1, 1978, UCO Tank Lines may sell and transfer the operative rights referred to in the application to PulMor Tank Lines, Inc., a California corporation.
2. Within thirty days after the transfer, the purchaser shall file with the Commission a written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the petroleum irregular route carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order 80-Series. Failure to comply with the provisions of General Order 80-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to PulMor Tank Lines, Inc., a California corporation, authorizing it to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between the points set forth in Appendix A attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 81282, as amended, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.

7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

8. Purchaser shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

9. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent indicated in Finding 2 of this decision.

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

Dated at San Francisco, California, this 7th day of SEPTEMBER, 1977.

Robert Bateman
President
William Symon Jr.

James R. Gault
Vernon L. Sturgeon
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

PulMor Tank Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

RESTRICTIONS:

Whenever PulMor Tank Lines, Inc., engages other carriers for the transportation of property of PulMor Tank Lines, Inc., Project Equities, Inc., Lerner Oil Co., Inc., Lavic Stone, a corporation, Pauler Inc., Fuel Supply Co., Inc., or Deloil, Inc., or subsidiaries or affiliates thereof, or customers or suppliers of said corporations. PulMor Tank Lines, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in PulMor Tank Lines, Inc.'s tariffs on file with this Commission.

Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

Issued by California Public Utilities Commission.

Decision 87814, Application 57292.