

ORIGINAL

Decision No. 43251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FIELD TRANSPORTATION COMPANY for )  
 certificate to operate as a Highway )  
 Common Carrier for the transportation ) Application No. 30259  
 of liquid petroleum products in bulk )  
 in tank trucks and trailers, excluding )  
 petroleum gases, asphalt and hot oils )  
 requiring special equipment, over de- )  
 scribed routes and to all points and )  
 places laterally within fifty miles )  
 thereof. )

In the Matter of the Application for )  
 MARTIN TRANSPORTATION COMPANY, for a )  
 certificate to operate as a Highway )  
 Common Carrier for the transportation ) Application No. 30392  
 of liquefied petroleum and petroleum )  
 products other than asphalt, road oil )  
 and liquefied petroleum gases, in bulk, )  
 in tank trucks, in tank trailers and )  
 tank semi-trailers over described routes )  
 and to all intermediate points and to )  
 all points and places laterally within )  
 fifty miles of said described routes. )

Phil Jacobson, for applicant, Field Transportation Company; Earl G. Whitehead, for applicant, Martin Transportation Company; Frederic A. Jacobus, for protestant, The Atchison, Topeka and Santa Fe Railway Company.

O P I N I O N

Each applicant above named seeks a certificate of public convenience and necessity to operate as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act of the State of California, for the transportation of liquid petroleum products in bulk in tank trucks and trailers.

Public hearings were held at Los Angeles, California, on July 29, 1949, before Commissioner Euls, at which time the matters were consolidated for hearing and determination, evidence was adduced, and the matters were submitted.

Field Transportation Company is a corporation, with its principal place of business at 1900 East 64th Street, Los Angeles, California. From 1919 to 1937, the present president of the corporation operated the business as a co-partner with his father. Since 1919 the present company and its predecessor have operated tank trucks and trailers between San Francisco and Sacramento, and to and from Southern California. It operates flat racks as well as liquid petroleum vehicles. Twenty per cent of its equipment is of the latter type.

This applicant does not transport liquefied petroleum gases nor other petroleum products requiring pressurized tanks. Neither does it transport liquid asphalt or hot road oils requiring insulated tanks. It handles refined and crude oils mainly.

Fifteen trucks and fifteen trailers are employed by it. Applicant submitted a financial statement showing profits of the corporation, a list of eleven customers including most of the large oil companies operating in California, and a list of points of origin and destination. Shipments are truck and trailer loads from bulk plants located mainly at points of origin as shown by Exhibit 3 or from refineries or certain large service stations.

Shipments range from occasional to periodical and every-day, from different locations. While the points of origin and destination, as shown by Exhibit 3, do not include any points northerly of the Kettleman Hills area, the testimony of applicant's president was that operations in the past have been between San Francisco Bay Area and Sacramento to the Nevada border over Highway 40; and for the Southern California Edison Company via Highway 168 between Fresno, Huntington Lake, and Big Creek.

The application, which requests authority to transport petroleum products over the principal highways of the State south of

San Francisco to the Mexican border, and from the coast to the Nevada border, as well as to off-route points within fifty miles of these highways, was amended to include the Highway 168 route above mentioned.

Martin Transportation Company, a California corporation, incorporated April 29, 1948, together with its predecessor of the same name, was operated under the direct management and ownership of Paul A. Martin from November 1937 to June 1946, from June 1946 until the date of incorporation, under different management, and under the direction of Paul A. Martin as president since the incorporation. All types of liquefied petroleum products, with the exception of liquefied petroleum gases and asphalt and road oil, have been transported by the company and its predecessor in bulk, in tank trucks, tank trailers, and semi-trailers over the routes set forth in Exhibit "A" attached to the application, serving generally the area south of Highway 40 from San Francisco Bay Area to Sacramento and to the Nevada border, and principal highways to and from Southern California and the Mexican border, and the California border on the east.

Applicant operates five tank trucks and five tank trailers of varying capacities. No insulated equipment is necessary. Points of origin and destination are shown in Exhibit "B" attached to the application. Applicant's financial statement and profit and loss statement likewise are attached to the application as Exhibits "F" and "G".

While the testimony in the case is that most of the hauling has been in the Los Angeles Basin generally, applicant has conducted transportation operations within the past five years throughout that portion of the State generally southerly of Highway 40.

The evidence establishes that both applicants are willing and able to conduct the proposed operations.

Concerning the public convenience and necessity of each of these proposed operations, we wish to point out that the public-witness testimony presented in Application No. 29416, Lang Transportation Corporation, and related proceedings, is incorporated in this record. In this respect, therefore, we refer to Decision No. 42623, issued in the prior consolidated applications.

Both applicants submitted statements of proposed rates which are the same as the proposed rates submitted in the Lang case, supra.

In addition, evidence on behalf of applicant, Field Transportation Company, was introduced by the assistant manager of the Transportation Department of the Southern California Edison Company and the dispatcher of the Consumers Oil Company who testified to certain of that applicant's operations for those companies. The assistant to the traffic manager of the Tidewater Associated Oil Company testified to certain of the operations of the applicant, Martin Transportation Company, and stated that further available testimony was substantially the same as the testimony he gave in Application No. 29928, Joseph M. Devere, doing business as Petroleum Transportation Company.

Upon the consolidated record, the applications will be granted. We conclude that public convenience and necessity require the institution of a highway common carrier service for the transportation of petroleum products, in bulk, as set out in the ensuing order.

Applicants are, and each of them is, hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing, for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights.

Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not, in any respect, limited to the number of rights which may be given.

O R D E R

Applications as above-entitled having been filed, a public hearing having been held thereon, the matters having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of petroleum products, in bulk, except liquefied petroleum gases, and any other products requiring pressurized tanks, and except liquid asphalts and hot road oils, and any other petroleum products requiring insulated tanks, be, and it hereby is, granted to each of the following named corporations along the routes and between the points hereinafter specified:

(a) By Field Transportation Company, a corporation, upon and along the following-described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles:

- (1) Between San Francisco and the United States-Mexico Border, near San Ysidro, via U. S. Highway 101, 101 Alternate and 101 By-Pass.
- (2) Between Oakland and San Jose, via California State Highway 17.
- (3) Between Gilroy and Califa, via California State Highway 152.

- (4) Between Atascadero and Barstow, via U. S. Highway 466.
- (5) Between San Francisco and the California-Nevada State Line, near Verdi, Nevada, via U. S. Highway 40.
- (6) Between San Francisco and California-Nevada State Line, near Bijou, via U. S. Highway 50.
- (7) Between Sacramento and the United States-Mexico Border at Calexico, via U. S. Highway 99.
- (8) Between Los Angeles and the junction of U. S. Highways 6 and 395, near Brown, via U. S. Highway 6.
- (9) Between San Diego and the California-Nevada State Line, near Topaz Lake, via U. S. Highway 395.
- (10) Between Los Angeles and the California-Nevada State Line, near State Line, via U. S. Highway 91.
- (11) Between Baker and Lone Pine, via California State Highways 127 and 190.
- (12) Between Los Angeles and the California-Nevada State Line, near Needles, via U. S. Highway 66.
- (13) Between Los Angeles and California-Nevada State Line, near Blythe, via U. S. Highways 60 and 70.
- (14) Between San Diego and Winterhaven, via U. S. Highway 80.
- (15) Between Fresno, Huntington Lake and Big Creek, via U. S. Highway 168.

(b) By Martin Transportation Company, a corporation, upon and along the following-described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles:

- (1) Between San Francisco and the United States-Mexico Border, near San Ysidro, via U. S. Highways 101, 101 Alternate and 101 By-Pass.
- (2) Between Oakland and San Jose, via California State Highway 17.
- (3) Between Gilroy and Califa, via California State Highway 152.
- (4) Between Atascadero and Barstow, via U. S. Highway 466.

- (5) Between San Francisco and the California-Nevada State line, near Verdi, Nevada, via U. S. Highway 40.
- (6) Between San Francisco and California-Nevada State line, near Bijou, via U. S. Highway 50.
- (7) Between Sacramento and the United States-Mexico Border at Calexico, via U. S. Highway 99.
- (8) Between Los Angeles and the junction of U. S. Highways 6 and 395, near Brown, via U. S. Highway 6.
- (9) Between San Diego and the California-Nevada State line, near Topaz Lake, via U. S. Highway 395.
- (10) Between Los Angeles and the California-Nevada State line, near State line, via U. S. Highway 91.
- (11) Between Baker and Lone Pine, via California State Highways 127 and 190.
- (12) Between Los Angeles and the California-Nevada State line, near Needles, via U. S. Highway 66.
- (13) Between Los Angeles and California-Nevada State line, near Blythe, via U. S. Highways 60 and 70.
- (14) Between San Diego and Winterhaven, via U. S. Highway 80.

(2) That in providing service pursuant to the certificates herein granted, there shall be compliance with the following service regulations:

- (a) Each applicant shall file a written acceptance of the applicable certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.
- (b) Each applicant within sixty (60) days after the effective date hereof, and upon not less than five (5)

days' notice to the Commission and the public, shall establish the applicable service herein authorized and comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 29th day of August, 1949.

R. Z. Johnson  
Justin F. Crocker  
John S. F. ...  
Harold P. ...  
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COMMISSIONERS