

Decision No. 42834

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 F. E. CAREY, dba CAREY TRUCK LINE,)
 for a certificate of public conven-)
 ience and necessity to operate an auto)
 truck line for the transportation of) Application No. 30747
 oil, water and gas well outfits and)
 supplies and other articles between)
 Maricopa and Santa Maria and inter-)
 mediate points, including service from)
 and to all points laterally within 15)
 miles of California State Highway 166.)

F. E. Carey in propria persona.

O P I N I O N

F. E. Carey, doing business as Carey Truck Line, presently conducts operations as a highway common carrier under a certificate of public convenience and necessity issued by this Commission in Decision No. 41996, dated August 31, 1948, on Application No. 28817, which certificate authorizes the transportation of specified commodities⁽¹⁾ over designated routes as set out in the above-mentioned certificate.

(1) Oil, water or gas well outfits and supplies, heavy machinery, pipe, steel, tanks and machinery, materials, equipment, supplies and facilities used in, incidental to, or in connection with (a) the discovery, development, production and preservation of natural gas and petroleum; (b) construction, operation, repair, servicing, dismantling, and maintenance of pipe lines; (c) construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum; and (d) construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending of gasoline, natural gas, and petroleum.

In the instant application, authority is requested to extend applicant's present highway common carrier service between Maricopa and Santa Maria via State Highway 166, serving all intermediate and off-route points within a radius of 15 miles laterally of said route.

A hearing was held on January 18, 1950, at Los Angeles, before Examiner Syphers. While notices of this hearing were sent out to all interested parties, the only appearance was that of applicant.

At the hearing, testimony was presented by public witnesses, representatives of oil-well-supply companies, indicating their desire and need for the proposed service. One of these public witnesses testified that the only way service was now available to the area under consideration was by trucks owned by the shipper company. He stated it was the desire of his company to use a public carrier rather than its own trucks. There is no public carrier service presently available for the territory covered by this application, and, according to this record, applicant is willing and able to conduct the proposed service. A balance sheet was filed by applicant and testimony was adduced indicating that he presently operates 15 tractors and 15 semitrailers. Applicant's terminal is located at 4560 East Washington Boulevard, in Los Angeles.

From a careful review of all the evidence presented in this record, we are of the opinion, and hereby find, that public convenience and necessity justify the proposed operation.

F. E. Carey 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

Application as above entitled having been filed, a public hearing having been held thereon, the matter 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 be, and it hereby is, granted to F. E. Carey, doing business as Carey Truck Line, 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 property along the routes and between the points hereinafter specified, as an extension and enlargement of, and to be consolidated with, his present operating authority, and subject to the following limitation:

Applicant's service shall be limited to the transportation of oil, water or gas well outfits and supplies, heavy machinery, pipe, steel, tanks and machinery, materials, equipment, supplies and .

facilities used in, incidental to, or in connection with (a) the discovery, development, production and preservation of natural gas and petroleum; (b) construction, operation, repair, servicing, dismantling, and maintenance of pipe lines; (c) construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum; and (d) construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending of gasoline, natural gas and petroleum.

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

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 79 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.
- (c) Subject to the authority of this Commission to change or modify such at any time, F. E. Carey shall conduct said passenger stage operation over and along the following described route:

Between Maricopa (the junction of California State Highways 33 and 166) and Santa Maria (junction of U. S. Highway 101 and California State Highway 166) via California State Highway 166, with service from and to all intermediate and off-route points located within a radius of 15 miles laterally of State Highway 166.

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

Dated at San Francisco, California, this 20th day of February, 1950.

R. Z. Dumas
James J. Cullen
Joseph K. Kell
Harold P. Kille
Kenneth P. Patten
COMMISSIONERS