

ORIGINAL

Decision No. 44351

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
ALBERT M. BLAND and ALONZO D. MOSS, )	
a copartnership, doing business as )	
B & M DELIVERY SERVICE, for certifi- )	Application No. 31182
cate of public convenience and )	
necessity to operate as a Petroleum )	
Irregular Route Carrier. )	

Twitchell and Rice, by T. A. Twitchell, for applicants.

O P I N I O N

Applicants herein seek a certificate of public convenience and necessity to operate as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in tank trucks and tank trailers, pursuant to the provisions of Section 50-3/4 of the Public Utilities Act, as amended by Statutes 1949, Chapter 1399.

The amendment referred to provides, among other things, that in the event a petroleum irregular route carrier was on September 1, 1949, and thereafter operating under a permit as a radial highway common carrier, and shall file an application within 180 days after the amendment takes effect, the Commission shall issue a certificate of public convenience and necessity without further proceedings, and such certificate shall authorize the carrier to engage in such operations as it was authorized to conduct on September 1, 1949.

A public hearing was held in Paso Robles on May 19, 1950, before Examiner Gillard and the matter submitted for decision.

In the original application filed herein applicants prayed for a petroleum irregular route certificate authorizing service in the area generally lying north of Los Angeles, south of Santa Cruz and San Jose, and west of Fresno and Bakersfield. At the hearing applicants verbally amended their application to request authority to serve throughout the state. (1)

Alonzo D. Moss testified that he and his partner possess Radial Highway Common Carrier Permit No. 40-163 issued by this Commission on June 10, 1946, which permit contains no territorial or commodity limitations; that on September 1, 1949, and continuously thereafter they transported petroleum and petroleum products in tank trucks and tank trailers for compensation over public highways in this state; that they held themselves out to serve any point in the state.

Upon the facts of record herein, we find that public convenience and necessity require that Albert M. Bland and Alonzo D. Moss, a co-partnership doing business as B & M Delivery Service, establish and operate services as a petroleum irregular route carrier to the extent set forth in the ensuing order.

Albert M. Bland and Alonzo D. Moss are 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

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(1) A written amendment has been filed since the hearing.

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 and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Albert M. Bland and Alonzo D. Moss, doing business as B & M Delivery Service, authorizing the establishment and operation of a service as a petroleum irregular route carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.
- b. Within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicants shall establish the 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, appropriate tariffs and time tables.

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

Dated at San Francisco, California, this 20<sup>th</sup> day of June, 1950.

R. B. [Signature]

[Signature]

[Signature]

[Signature]  
COMMISSIONERS