

Decision No. 44861**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JAY B. BOOTH for a certificate of)
 public convenience and necessity to) Application No. 31625
 operate as an irregular route)
 petroleum carrier.)

Jay B. Booth in propria personaO P I N I O N

Applicant herein requests a certificate of public convenience and necessity to operate a service as a petroleum irregular route carrier throughout the State of California south of the City of Redding, for the transportation of petroleum and petroleum products in tank trucks and tank trailers, over any public highways, pursuant to the provisions of Section 50 3/4 of the Public Utilities Act, as amended by Statutes 1949, Chapter 1399.

Public hearing on the application was held before Examiner Rogers in Los Angeles on September 25, 1950, for the reason that the application does not include a verification signed by the applicant. Evidence was presented and the matter was duly submitted for decision.

Applicant testified that, since January 1, 1947, pursuant to a radial highway common carrier permit, he has been hauling petroleum and petroleum products, other than petroleum products requiring pressurized tanks, to all points in California south of Redding, and that he was so operating on September 1, 1949, and

Upon the facts set forth hereinabove, we find that public convenience and necessity require that Jay B. Booth establish and operate services as a petroleum irregular route carrier to the extent set forth in the ensuing order.

Jay B. Booth 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. 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, the matter being duly submitted, and the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS HEREBY ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Jay B. Booth, 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, other than petroleum products requiring pressurized tanks, in tank trucks and tank trailers, between all points and places in the

State of California south of a line extended due east and west through the northern boundary of the City of Redding.

(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. 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 3rd day of October, 1950.

R. Z. [Signature]
Justin J. Casner
[Signature]
[Signature]
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 COMMISSIONERS