

ORIGINALDecision No. 50890

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CHARLES R. HDX, doing business as)
 DOC HDX VACUUM TRUCK SERVICE for a)
 Certificate of Public Convenience)
 and Necessity as a Petroleum)
 Irregular Route Carrier to operate)
 a vacuum tank truck service within)
 a radius of 50 miles from base of)
 operations, with emergency service)
 to all areas in the State of)
 California being developed or)
 explored for oil.)

Application No. 35313

Arthur C. Miller, for applicant.
Glanz and Russell, by Arthur Glanz and
R. Y. Schureman, for Asbury Trans-
 portation Company, Cantlay and
 Tanzola, Inc., System Tank Lines,
 Inc., and Routh Transportation Co.,
James E. Ogden, for Chancellor and
 Ogden, Inc.; interested parties.

O P I N I O N

This matter was originally set for hearing in Newhall on June 2, 1954. Applicant failed to appear at the hearing and the application was dismissed (Decision No. 50160, dated June 18, 1954).

Thereafter applicant petitioned for a rehearing. A rehearing was granted and a hearing was held in Los Angeles on August 20, 1954. At this hearing evidence was presented and the matter was submitted subject to the filing by applicant of certain affidavits. These affidavits were filed on October 7, 1954. The matter is ready for decision. There were no protestants.

Charles R. Hix, doing business as Doc Hix Vacuum Truck Service, since about December, 1952, has been and now is engaged in oiling and watering roads, cleaning oil sumps and tanks, and hauling water, waste petroleum materials, prepared drilling mud, drilling fluids, and oils used primarily for drilling purposes pursuant to a radial highway common carrier permit issued by this Commission. He seeks authority as a petroleum irregular route carrier, as defined in Section 2114 of the Public Utilities Code for the transportation of petroleum products used or transported in rendering the foregoing services within a radius of 50 miles of Newhall, California, with occasional trips to other points in the state. He has and will use, if certificated, two 45-barrel vacuum tank trucks. He charges and proposes to charge \$8.50 per hour (plus federal tax) for his services, the time to be computed from departure from his base of operations in Newhall until the return thereto, with no minimum time.

The parties have agreed as follows: Any certificate issued pursuant to the herein application should be restricted to the transportation of petroleum and petroleum products, drilling fluids, oil and chemicals for drilling purposes, and road oils in connection with the servicing of roads, in bulk, in vacuum type or pump type tank trucks in connection with or incidental to the drilling, maintaining, reconditioning, abandonment or completion of an oil well or oil well site, or servicing its facilities and roads thereto, or the repair of pipe line breaks, between points and places in Ventura County within 50 miles of Newhall, and points and places in Los Angeles County

within 25 miles of Newhall, provided that applicant may not render service to, from or between any point or points located within the City of Los Angeles or the City of San Fernando.

Charles R. Hix testified that since December, 1952, he has been continuously engaged in the type of operations above described in Ventura and Los Angeles Counties, that his services are rendered on call 24 hours per day and seven days per week; that his principal customers are Richfield Oil Company, Julian Petroleum Company and Union Oil Company; that he renders service for any one; that he has no contract with any person or company relative to the type of service involved; that 50 per cent of his trips do not operate over a public highway; that his two trucks are being used about 50 per cent of each day, and that his services are needed in the area he serves. ✓

Applicant's financial condition is reflected in Exhibit A attached to the application.

At the hearing, applicant produced no public witnesses in support of his application. With the permission of the Commission, he filed three affidavits (Exhibit No. 1) executed by respectively a representative of Bell Petroleum Company, Richfield Oil Company, and Union Oil Company. These deponents state that their companies operate in applicant's proposed service area; that they have used applicant's services for one year or more in the hauling of various waste petroleum products, cleaning oil sumps, and oiling roads; that the type of equipment applicant has and the type of service he renders is essential to the businesses they represent; and that applicant's services are used and are satisfactory.

Upon the evidence of record herein we find that applicant has the experience and financial ability to conduct the proposed operations and that public convenience and necessity require that he establish and operate services as a petroleum irregular route carrier to the extent set forth in the ensuing order.

No finding is made, however, concerning the propriety of the rates, rules and regulations which applicant proposes to maintain for the service authorized.

Charles R. Hix 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 having been made, the Commission being fully advised, and having found 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 Charles R. Hix, doing business as Doc Hix Vacuum Truck Service, authorizing the establishment and

operation of a service as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products, drilling fluids, oil and chemicals for drilling purposes, and road oils in connection with the servicing of roads, in bulk, in vacuum type or pump type tank trucks in connection with or incidental to the drilling, maintaining, reconditioning, abandonment or completion of an oil well or oil well site, or servicing its facilities and roads thereto, or the repair of pipe line breaks, between points and places in Ventura County within 50 miles of Newhall, and points and places in Los Angeles County within 25 miles of Newhall, provided that applicant may not render service to, from or between any point or points located within the City of Los Angeles or the City of San Fernando.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

(b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.

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

Dated at Los Angeles, California,
this 26th day of October, 1954.

John E. Mitchell
President

James F. Casner

Frederick Patten

Gene Higgins

Ray G. Interemer
Commissioners