

**ORIGINAL**

Decision No. 51059

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 EDDIE HANKS, doing business as )  
 EDDIE HANKS VACUUM TRUCK COMPANY, )  
 for a Certificate of Public Conven- )  
 ience 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 Calif- )  
 ornia being developed or explored )  
 for oil. )

Application No. 35825

Arthur C. Miller, for applicant.

O P I N I O N

Applicant requests a certificate of public convenience and necessity as a petroleum irregular route carrier to operate a vacuum truck service for the transportation of petroleum products within a radius of 50 miles from Newhall, California.

A public hearing was held in Los Angeles on December 13, 1954, before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted. At the hearing the applicant testified that he has been in business in the Newhall area since 1951 hauling drilling fluids, oils for drilling purposes, road oils, and water, in vacuum trucks for the various oil companies and drilling contractors in that area.

The equipment operated consists of nine vacuum trucks; one having a 32-barrel capacity, six having a 45-barrel capacity, one having a 48-barrel capacity, and one a 50-barrel capacity.

He employs nine drivers, a truck mechanic, a superintendent, an auditor and an office manager, and maintains his own garage and repair service in connection with the general offices located at 1122 Lyons Avenue, Newhall, California.

The rates proposed to be charged are hourly rates as follows:

32-barrel units - \$7.50 per hour.  
45-barrel units - \$8.50 per hour.  
48-barrel units - \$8.75 per hour.  
50-barrel units - \$9.00 per hour.

The service proposed is to be "on-call." Attached to the application are a balance sheet as of July 31, 1954, and a profit and loss statement for the period from January 1, 1954 to July 31, 1954.

Testimony was presented by various shipper witnesses who used the services of applicant in the hauling of mud, water, oil, road oil and other products normally transported by vacuum trucks. Each witness testified that applicant's service was necessary to his business, that it had been satisfactory, and that it would be to the interest of the shipper represented to have it continued. There was no opposition to this application.

Upon the facts in this record we find that public convenience and necessity require that Eddie Hanks, an individual doing business as Eddie Hanks Vacuum Truck Company, establish and operate services as a petroleum irregular route carrier between all points and places within 50 miles of Newhall, California, subject to the restrictions that the service be limited to vacuum-type equipment.

Eddie Hanks 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.

Based upon the showing made in this proceeding, the applicant is hereby authorized to publish rates upon an hourly rather than a weight basis.

O R D E R

Application as above entitled having been filed, public hearing having been held thereon, 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 Eddie Hanks, doing business as Eddie Hanks Vacuum Truck Company, 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, petroleum products and water, in vacuum-type tank trucks and trailers between points and places within 50 miles of Newhall, California.

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

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days after the effective date hereof.
- (b) Within sixty days after the effective date hereof, and on 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, appropriate tariffs naming rates, rules and regulations as described in the foregoing opinion and in Exhibit No. 1 in this proceeding.

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

Dated at San Francisco, California,  
this 1st day of February, 1955.

John E. McNeill  
President

Justin S. Calder

Raymond L. Luterer

William J. Wosky

Commissioners