

**ORIGINAL**

Decision No. 5131S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ARTHUR P. ANDERSON doing business as  
 ARTHUR P. ANDERSON OIL FIELD CONTRACTOR  
 for a Certificate of Public Convenience  
 and Necessity as a Petroleum Irregular  
 Route Carrier to operate a vacuum tank  
 truck service within the Counties of  
 Kern, Ventura, Santa Barbara, and San  
 Luis Obispo, California, with emergency  
 service to all areas in the State of  
 California being developed or explored  
 for oil.

Application No. 36446

J. O. Reavis, for applicant.  
Wayne B. Stephens, for the Commission Staff.

O P I N I O N

By this application filed November 15, 1954, Arthur P. Anderson, doing business as Arthur P. Anderson Oil Field Contractor, seeks a certificate of public convenience and necessity authorizing him to transport, in vacuum tank trucks, petroleum and petroleum products as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code. The primary territory to be served as proposed includes the counties of Kern, Ventura, Santa Barbara and San Luis Obispo with emergency service to other points in the state.

A public hearing was held before Examiner Rowe on March 16, 1955, in Taft, California. Evidence was adduced and the matter was duly submitted for decision. No one appeared to protest the application.

Applicant, a mining engineer, has been engaged in the oil fields for thirty years and presently operates three vacuum tank trucks. Standard Oil Company, General Petroleum Company, The Texas

Oil Company and the General American Oil Company of Texas have been using his services. In this work it will be necessary for him occasionally to transport petroleum and petroleum products over the public highways.

Applicant is well qualified by experience and has sufficient financial ability to carry on the proposed service as a public carrier. It will also be necessary for applicant to transport other freight over the public highway for his customers. The Commission finds that public convenience and necessity require that with Taft as his base of operations, applicant institute and perform service as a petroleum irregular route carrier in the counties of Kern, Ventura, Santa Barbara and San Luis Obispo, and that applicant also be authorized to serve customers, with places of business in said counties, by operating beyond the boundaries of said counties to other points in the state. The operative rights to be granted to applicant shall be conditioned upon his procuring a radial highway common carrier permit.

Said Arthur P. Anderson 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, public

hearing having been held thereon, the Commission being fully advised in the premises and heroby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it heroby is, granted to Arthur P. Anderson doing business as Arthur P. Anderson Oil Field Contractor, authorizing the establishment and operation of 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 in vacuum tank trucks between all points and places within the counties of Kern, Ventura, Santa Barbara and San Luis Obispo, California, and also to serve customers with places of business in said counties between said points and all other points in California subject to the following conditions:

(a) Applicant's base of operations shall be only at Taft, California, and

(b) Applicant shall procure from this Commission a radial common carrier permit.

(2) That in providing service pursuant to the certificate herein agranted, 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 shall file and concurrently make effective appropriate tariffs naming rates, rules and regulations on an hourly basis.

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

Dated at San Francisco, California, this  
12th day of APRIL, 1955.

*John E. Bartlett*  
President  
*Arthur J. Casper*  
*Rachel Untermyer*  
*Wendell S. Sooker*  
COMMISSIONERS