

Decision No. 51454**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 FLOYD R. HARVEY, doing business as  
 HARVEY VACUUM TRUCK SERVICE for a  
 certificate of Public Convenience  
 and Necessity to operate vacuum tank  
 trucks as a petroleum irregular route  
 carrier in the State of California

Application No. 36396

In the Matter of the Application of  
 Virden L. Parker, doing business as  
 PARKER BROTHERS for a certificate of  
 Public Convenience and Necessity to  
 operate vacuum tank trucks as a  
 petroleum irregular route carrier in  
 the State of California

Application No. 36413  
(As Amended)

In the Matter of the Application of  
 Walter E. Gilliard, doing business as  
 W. E. GILLIARD VACUUM TRUCK SERVICE for  
 a certificate of Public Convenience and  
 Necessity to operate vacuum tank trucks  
 as a petroleum irregular route carrier  
 in the State of California

Application No. 36415

In the Matter of the Application of  
 OTTIS E. PITTMAN and EARL T. PITTMAN,  
 co-partners, doing business as OTT'S  
 VACUUM TRUCK SERVICE for a certificate  
 of Public Convenience and Necessity to  
 operate vacuum tank trucks as a  
 petroleum irregular route carrier in  
 the State of California

Application No. 36450

In the Matter of the Application of  
 FIX & BRAIN VACUUM TRUCK SERVICE for  
 a certificate of Public Convenience  
 and Necessity to operate vacuum tank  
 trucks as a petroleum irregular route  
 carrier in the State of California

Application No. 36451

In the Matter of the Application of  
 R. L. DAY, doing business as R. L. DAY  
 VACUUM & PUMP TRUCK SERVICE for a cer-  
 tificate of Public Convenience and  
 Necessity to operate vacuum tank trucks  
 as a petroleum irregular route carrier  
 in the State of California

Application No. 36477

In the Matter of the Application of )  
COAST TANK SERVICE CO.; for a cer- )  
tificate of Public Convenience and )  
Necessity to operate vacuum tank )  
trucks as a petroleum irregular route )  
carrier in the State of California )

Application No. 36498

In the Matter of the Application of )  
SUPERIOR VACUUM TRUCK SERVICE; a cor- )  
poration, for a certificate of Public )  
Convenience and Necessity to operate )  
vacuum tank trucks as a petroleum )  
irregular route carrier in the State )  
of California )

Application No. 36499  
(As Amended)

In the Matter of the Application of )  
GEORGE A. DONALDSON and JOHN C. TYLER; )  
co-partners, doing business as BASIN )  
VACUUM TRUCK SERVICE for a certificate )  
of Public Convenience and Necessity )  
to operate vacuum tank trucks as a )  
petroleum irregular route carrier in )  
the State of California )

Application No. 36500

Phil Jacobson, for applicants.  
William J. Knoell, for Tank Truck Operators  
Tariff Bureau, and Elmer Ahl, interested  
parties.  
Wayne B. Stephens, for the Commission staff.

O P I N I O N

Each of the above-entitled applications, filed November 15, 1954, requests a certificate of public convenience and necessity authorizing the transportation, in vacuum tank trucks, of petroleum and petroleum products as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between all points and places in Kern, Ventura, Los Angeles and Orange Counties. Each proposes becoming a party to, and assessing hourly rates as prescribed in, the Southwestern Motor Tariff Bureau, Local Vacuum and Pump Tank Truck Tariff No. 7 Cal: P.U.C. No. 16.

Public hearing was held in Los Angeles before Examiner John A. Rowe, Jr., on April 12, 1955. By stipulation the matters were consolidated for hearing. No one appeared in opposition. Evidence both oral and documentary was received and each of the applications was submitted for decision.

According to the evidence of record each of the applicants is qualified by experience, is financially able, and possesses appropriate equipment to properly carry on the respective service proposed. When certificated, each of the above-named applicants will continue to operate as it has for several years. In two instances the applicant has only one vacuum tank truck; most of them have several. This is the type of operation which can well be handled by a small operator who owns and personally operates his own equipment, as well as those who employ one or more drivers.

Two representatives of large oil companies testified that the services of all the above-named applicants are required by oil-developing and oil-operating companies. Two witnesses represented companies furnishing chemicals and muds used in drilling operations. The public witnesses were unanimous in the opinion that the services of each of the above applicants are needed in the Counties of Kern, Ventura, Los Angeles and Orange. The Commission finds that the service proposed by each of the above-named applicants is required by public convenience and necessity.

Two of the applications were amended at the hearing. Virden L. Parker has acquired the interest of his former partner Jesse R. Parker and is the sole owner of the business at this time and Application No. 36413 was amended to reflect this fact. The certificate of public convenience and necessity sought in said application will consequently be issued to Virden L. Parker, who does business as Parker Brothers. Carlton Hess, the original

applicant in Application No. 36499, testified that he had caused a corporation to be formed to take over the proposed operation which he had been carrying on under the name of Superior Vacuum Truck Service. The amended application names Superior Vacuum Truck Service, a corporation, as the applicant. The certificate of public convenience and necessity will be issued to this corporation. Each applicant shall dispose of or properly restrict conflicting petroleum contract carrier permits.

Each of the above-named applicants 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 as to the number of rights which may be given.

O R D E R

Applications 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 Floyd R. Harvey 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, Los Angeles and Orange.

2. That a certificate of public convenience and necessity be, and it hereby is, granted to Virden L. Parker 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

3. That a certificate of public convenience and necessity be, and it hereby is, granted to Walter E. Gilliard 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

4. That a certificate of public convenience and necessity be, and it hereby is, granted to Ottis E. Pittman and Earl T. Pittman, copartners, 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

5. That a certificate of public convenience and necessity be, and it hereby is, granted to Fix & Brain Vacuum Truck Service, a corporation, 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, Los Angeles and Orange.

6. That a certificate of public convenience and necessity be, and it hereby is, granted to R. L. Day, 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, Los Angeles and Orange.

7. That a certificate of public convenience and necessity be, and it hereby is, granted to Coast Tank Service Co., a corporation, 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

8. That a certificate of public convenience and necessity be, and it hereby is, granted to Superior Vacuum Truck Service, a corporation, 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

9. That a certificate of public convenience and necessity be, and it hereby is, granted to George A. Donaldson and John C. Tyler, copartners, 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 in the Counties of Kern, Ventura, Los Angeles and Orange.

10. That in providing service pursuant to the respective certificates herein granted, each applicant shall comply with and observe the following service regulations:

- a. Each applicant shall file a written acceptance of the certificate herein granted to such applicant 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, each 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 10<sup>th</sup> day of May, 1955.

Arthur E. McCall  
President

Justina J. Campbell  
Paula F. Anderson

Marion L. Wood

Commissioners