

notified of the amendment and of the second hearing which was held June 9, 1955, when the matter was duly submitted.

Applicant has had seven years experience in this type of work. He is financially able to carry on the proposed service, having a net worth of approximately seventy-five thousand dollars. Applicant has four vacuum tank trucks and other necessary equipment and facilities. Five public witnesses appeared and testified in support of this application. They represented oil well drilling and operating companies and expressed great confidence in applicant and his service.

Three protestants, who engage in similar operations in the Newhall area, contended that authorization of this service would adversely affect their business. However, there was no testimony to support a finding that their respective services would be curtailed or that the certification of applicant would have any adverse effect upon the public. The Commission finds that public convenience and necessity require that applicant institute and perform service as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in vacuum tank trucks and, as an incident to said business, also in pump tank trucks serving all points and places in Orange, Los Angeles and Ventura Counties. There was no substantial evidence to justify granting applicant authority to render any service beyond said counties.

Bill T. Small 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, such rights 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

Application as above entitled having been filed, public hearings 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 Bill T. Small, 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 and, as an incident to said business, also in pump tank trucks between all points and places within the Counties of Los Angeles Ventura and Orange, 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 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 5th day of July, 1955.

Justin J. Calmes
 President

Paul H. ...

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Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.