

**ORIGINAL**Decision No. 52228

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Forrest L. Sweet for )  
 a certificate of public convenience )  
 and necessity to operate as a ) Application No. 37335  
 petroleum irregular route carrier. )

Forrest L. Sweet, in propria persona.

Grove C. Lautzenhiser, for Orange Empire Truck  
 Lines, Inc., and Ventura Transfer Co., doing  
 business as Orr Tank Lines, interested parties.

O P I N I O N

By the application herein, filed on September 27, 1955, Forrest L. Sweet seeks authority as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, to transport petroleum in vacuum tank trucks between all points and places in Orange and Los Angeles Counties lying within twenty-five miles of the City of Placentia in Orange County, California. The only authority the applicant has from this Commission is a radial highway common carrier permit, pursuant to which he transports nonpetroleum products between points in the area sought to be served. He has, and will use if certificated, one thirty-two barrel vacuum tank truck.

A public hearing was held in Whittier on October 20, 1955, before Examiner Kent C. Rogers, evidence was presented and the matter was submitted. Prior to the hearing, notice thereof

was mailed to trucking associations, tariff agents, carriers and individuals deemed by this Commission to have an interest in the matter. There were no protests.

The representative of Orange Empire Truck Lines, Inc., and Ventura Transfer Co., doing business as Orr Tank Lines, appeared at the hearing, and it was stipulated that applicant's service will be limited to the transportation of petroleum and petroleum products in vacuum-type and pump-type tank trucks or tank trailers only, and in connection with and incidental to the drilling, maintenance or reconditioning of oil wells, the cleaning of tanks at oil well sites or tank farms, and the repair of pipe line breaks, between all points and places within twenty-five miles of Placentia, California.

The applicant stated that his rate will be \$7.50 per hour for the thirty-two barrel truck referred to above, calculated from the time the truck leaves his yard in Placentia until the return thereto, with a minimum charge for one hour of service. He further stated that he has been cleaning petroleum tanks at oil well sites and that he intends to render the type of service described in the above set out stipulation; that his services have been and will be on call, and will be rendered to any petroleum producer desiring them; that he does not and will not operate over regular routes; that only a small portion of his transportation is on the public highways, the majority thereof being on private roads on oil leases. The evidence further shows that approximately six oil producers have requested that applicant render the proposed services within the proposed service area.

The applicant stated that his equipment is free of encumbrance and that he has approximately \$1,000 cash on hand.

Upon the evidence of record herein, we find that public convenience and necessity require that applicant establish and operate a service as a petroleum irregular route carrier to the extent set forth in the ensuing order.

Forrest L. Sweet 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

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 Forrest L. Sweet, 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 in vacuum-type and pump-type tank trucks or tank trailers only, and in connection with and incidental to the drilling, maintenance or reconditioning of oil wells, the cleaning of tanks at oil well sites or tank farms, and the repair of pipe line breaks, between all points and places within twenty-five miles of the City of Placentia, County of Orange, State of California.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 14th day of November, 1955.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners