

ORIGINAL

Decision No. 53352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Bob W. Clark, doing business as
 WILCO VACUUM SERVICE, for a certificate
 of public convenience and necessity as
 a petroleum irregular route carrier to
 operate a vacuum tank truck service
 within a radius of sixty miles from
 base of operations, with emergency
 service to all areas in the State of
 California being developed or explored
 for oil.

Application No. 37767

Bob W. Clark, in propria persona.
L. W. Potter, protestant, in propria persona.
A. M. Webb, Jr. for Oilfield Vacuum Service,
 interested party.

O P I N I O N

By application filed February 21, 1956, Bob W. Clark requests the issuance of a certificate of public convenience and necessity as a petroleum irregular route carrier for the transportation of petroleum products in vacuum tank trucks within a radius of sixty miles from Taft, California, with emergency service to other parts of the state.

Public hearing was held in Taft on April 19, 1956, before Examiner Rowe, at which time evidence was adduced and the matter duly submitted.

Since February, 1953, applicant has been engaged in operating a vacuum tank service, with his primary base in Taft. The services performed consist of oiling and watering roads, cleaning sumps and tanks, and hauling water, waste materials and

prepared drilling fluids. Most of this service is performed on private property. Applicant possesses a radial highway common carrier permit and also a petroleum contract carrier permit issued by this Commission.

In performing this service he has received many calls for service from oil companies which incidentally requires his transporting petroleum and petroleum products over the public highways.

Applicant has adequate equipment and is experienced in this type of work. His financial position is sufficient to assure a successful operation. Applicant testified that, so far as service in the area beyond the radius of sixty miles from Taft is concerned, he wished to perform it only for customers based in the Taft area who requested emergency service beyond said area.

Protestant Potter testified in opposition to the application. He stated that he wishes to have applicant certificated but wants him to file a tariff in line with the tariffs of others authorized to perform this service. Applicant proposes to charge for his services on an hourly basis, \$12.50 per hour for the 90 barrel unit; \$10.50 per hour for the 70 barrel unit and \$8.50 per hour for the 45 and 50 barrel units, all plus tax. The record shows that applicant has operated profitably under such rates.

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 within a radius of 60 miles from Taft, California. The Commission is of the opinion that no right should be granted to serve customers beyond said area.

Bob W. Clark is hereby placed on 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 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 as 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 hereby finding that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Bob W. Clark 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 a radius of sixty miles of Taft, 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) That within a period of 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 10th day of July, 1956.

John E. Mitchell
President

James F. O'Connell
Paul J. Luterman
Wm. J. ...
R. Hardy
Commissioners