

Decision No. 53361

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT A. ELLIS, dba CALIFORNIA TANK)
LINE, to operate a highway common)
carrier's service.)

Application No. 36041

O P I N I O N

Robert A. Ellis is engaged in the transportation of property in California pursuant to permits issued him by this Commission.

Applicant seeks an order authorizing him to conduct service as a common carrier for the transportation of petroleum products in bulk in tank vehicles between all points and places in the State of California which he is not presently authorized to serve.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted. It appears that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. A public hearing is not necessary.

Applicant 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

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Robert A. Ellis, authorizing him to operate as a petroleum irregular route carrier as defined by Section 214 of the Public Utilities Code for the transportation of property between the points more particularly set forth in Appendix A attached hereto and made a part hereof.

(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. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than ten 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.

(3) That the operating authority, as a petroleum irregular route carrier, now possessed by applicant is hereby revoked and cancelled. Said revocation and cancellation shall take effect simultaneously with the establishment of service under the authority herein granted.

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

Dated at San Francisco, California, this 10th day of July, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

Robert A. Ellis, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport liquid asphalts, hot road oils and other petroleum products requiring insulated tanks, also liquified petroleum gases and other petroleum products requiring pressurized tanks between all points and places in the State of California; and all other petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California except the points and places now authorized to be served by him as a highway common carrier pursuant to Decisions Nos. 44136 dated May 2, 1950 and 44736 dated August 29, 1950, both in Application No. 30887, and Decision No. 47444 dated July 8, 1952 in Application No. 33480.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53361, Application No. 36041.