

**ORIGINAL**Decision No. 53574

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 LESLIE M. HOLBROOK and RAYMOND R. HOLBROOK, )  
 co-partners, doing business as )  
 HOLBROOK & SON, for a certificate of ) Application No. 37924 /  
 public convenience and necessity to operate )  
 vacuum tank trucks as a petroleum irregular )  
 route carrier in the State of California. )

Burton and Gauldin, by R. J. Gauldin,  
 for applicant.

O P I N I O N

By the application herein filed on April 10, 1956, Leslie M. Holbrook and Raymond R. Holbrook, co-partners, doing business as Holbrook & Son, hereinafter referred to as applicants, seek authority as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, to transport petroleum in vacuum-type and pump-type tank trucks and tank trailers between all points and places in the Counties of Los Angeles, Orange, Ventura and Riverside, State of California. Applicant now holds radial highway common carrier, city carrier, and petroleum contract carrier permits issued by this Commission. Applicants' attorney stipulated that if the requested certificate is issued, the petroleum contract carrier permit, Permit No. 19-43093, may be cancelled. Applicants have and will use in the proposed service, four tank trucks, three tank semi-trailers, and two tractors.

A public hearing was held in Los Angeles on July 6, 1956, 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 applicants propose to become a party to and assess the rates prescribed in the Southwestern Motor Tariff Bureau Local Vacuum and Pump Tank Truck Tariff No. 7, Cal. P.U.C. No. 16. Applicants' witness testified that since 1942 applicants have engaged in the business of operating motor vehicles specially constructed and adapted to performing a vacuum truck service in the oil fields and of performing services coincidental thereto in the counties above referred to; that the business in which they are engaged generally consists of cleaning out sumps or tanks adjacent to oil wells and transporting drilling fluids, prepared mud, and waste materials, and transporting oil for use on roads and driveways. The witness stated that about 40 percent of their services are on private property and the balance is on public highways. They appear to be financially sound (Exhibit "A" on the application).

Two large oil producing companies have advised the Commission that they have been using the vacuum tank truck services of the applicants since 1942.

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

Leslie M. Holbrook and Raymond R. Holbrook, doing business as Holbrook & Son, are 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, 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 is granted to Leslie M. Holbrook and Raymond R. Holbrook, doing business as Holbrook & Son, authorizing them to establish and operate 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 between the points set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with 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 it will be required, among other things, to file annual reports of its 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 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 and time schedules satisfactory to the Commission.

IT IS FURTHER ORDERED that concurrently with the establishment of service pursuant to the certificate herein granted, Petroleum Contract Carrier Permit No. 19-43093 issued to Leslie M. Holbrook and Raymond R. Holbrook, doing business as Holbrook & Son, be and it hereby is canceled.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of August, 1956.

[Signature]  
 President  
[Signature]  
[Signature]  
[Signature]  
 Commissioners

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

Appendix A

Leslie M. Holbrook and  
Raymond R. Holbrook, doing  
business as Holbrook & Son

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Leslie M. Holbrook and Raymond R. Holbrook, doing business as Holbrook & Son, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport petroleum and petroleum products in vacuum-type and pump-type tank trucks or tank trailers only:

To, from and between any and all points and places in the Counties of Los Angeles, Orange, Ventura and Riverside, State of California.

End of Appendix A

Issued by California Public Utilities Commission.

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