

**ORIGINAL**

Decision No. 57786

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| In the Matter of the Application   | ) |                       |
| of ALLYN TANK LINE, INC., for an   | ) |                       |
| extension of its existing certifi- | ) | Application No. 40500 |
| cate covering Route 101 Alternate. | ) |                       |

O P I N I O N

By Decision No. 42623, dated March 15, 1949, as amended by Decision No. 43515, dated November 7, 1949, both in Application No. 29631 Allyn Tank Line, Inc., received a certificate of public convenience and necessity as a highway common carrier. It is authorized to transport petroleum products, except those requiring insulated equipment, over the routes in the State with 50-mile lateral rights. One route is designated as "U. S. 101 and U. S. 101 By-Pass ....." By the instant application authority is sought over U. S. Highway No. 101 Alternate.

Applicant alleges that the public will be better served if it is authorized to use U. S. Highway No. 101-A which is frequently a quicker and more convenient route than Highway No. 101 or Highway No. 101 By-Pass. The request will add no new points to applicant's service areas.

The Commission finds that public convenience and necessity require that the sought authority be granted. A public hearing is not necessary. Applicant's authority will be revoked and restated.

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 having considered the application and representations filed herein, now therefore,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Allyn Tank Line, Inc., authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes as 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 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 upon not less than five days' notice to the Commission and to the public, applicant shall

establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

3. That, simultaneously with the institution of service under the authority herein granted, the operating authority heretofore granted to applicant's predecessor in interest by Decision No. 42623, dated March 15, 1949, and Decision No. 43515, dated November 7, 1949, both in Application No. 29631, be, and they are, revoked, canceled and annulled.

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

Dated at San Francisco, California, this 30th day of September, 1958.

L. J. Fox  
President

W. E. ...

Paul ...

...

Theodore ...  
Commissioners

Allyn Tank Line, Inc., by the decision noted in the margin is authorized to transport petroleum products in bulk, except liquid asphalts, hot road oils and other products requiring insulation, between points on or within 50 miles airline distance laterally of the highways hereinafter specified.

1. U. S. Highways Nos. 101 By-Pass, 101-Alternate and 101, between San Francisco and the boundary line between California and Mexico.
2. U. S. Highway No. 99 between Sacramento and the boundary line between California and Mexico.
3. U. S. Highway No. 40 between San Francisco and the California-Nevada state boundary line.
4. U. S. Highway No. 50 between Sacramento and the California-Nevada state boundary line.
5. U. S. Highway No. 395 between its intersection with the California-Nevada state boundary line at or near Topaz Lake and its junction with U. S. Highway No. 66.
6. U. S. Highway No. 66 between Los Angeles and Needles.
7. U. S. Highway No. 60 between Los Angeles and the Arizona-California state boundary line.
8. U. S. Highways Nos. 91 and 466 between Barstow and the California-Nevada state boundary line.
9. State Highway No. 127 between Balser and the California-Nevada boundary line.
10. U. S. Highway No. 80 between San Diego and the Arizona-California state boundary line.

Applicant may use all streets, roads or highways, including, but not limited to, the highways noted above, necessary or convenient to render the service herein authorized.

Issued by California Public Utilities Commission.

Decision No. 57786, Application No. 40500.