

ORIGINAL

Decision No. 61181

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
W. R. WEBSTER and W. O. WEBSTER, a)
co-partnership doing business under)
the firm name of WEBSTER TANK TRUCK) Application No. 42563
SERVICE for a certificate of public)
convenience and necessity to operate)
as a highway common carrier.)

Donald Murchison, for the applicant.

O P I N I O N

Applicant herein requests a certificate of public convenience and necessity authorizing it to transport petroleum and petroleum products in packages, cartons and/or containers when said products are moving in connection with, or in conjunction with, a coincidental movement of petroleum or petroleum products in tank trucks or tank trailers under applicant's present petroleum irregular route authority, between all points and places in the State of California.

The certificate as a petroleum irregular route carrier was granted to applicant on June 20, 1950, by Decision No. 44369.

A public hearing was held in Los Angeles on October 25, 1960, before Examiner Robert D. De Wolf, and was submitted on said date and is now ready for decision.

No protests or additional appearances were filed at the hearing.

The applicant submitted evidence in support of his application consisting of his own testimony and documents, being a map

of the service routes, list of equipment, financial statement, list of shippers interested, pictures of trucks and equipment used, and the testimony of three shippers who wish to use the added service.

Applicant also offered to submit the testimony of the additional shippers named in the list identified as Exhibit No. 5, and alleged they would testify substantially the same as the three shippers who did testify.

The applicant stated that the proposed restricted service would be conducted with trucks equipped to haul drums and cartons of oil, and would be operated separate from the tank trucks, and that applicant has five such trucks at the present time and will secure such additional trucks as needed to conduct the service.

The three shipper witnesses testified that they had a great need for the type of service requested by the applicant, and one of these stated that they were planning on increasing their shipments of oil in drums, packages, and cartons, and asphalt in paper bags. The shipper witnesses testified that the shipments were in the nature of wholesale lots of package oil products mostly in full truck load. All testified that the requested service would reduce the cost of claims, time in transit and dock congestion, would be of great benefit to their businesses, and operate to increase efficiency and expedite the shipments at reduced expense to the shippers.

Upon consideration of all of the evidence the Commission finds and concludes that there is an actual need for the service proposed by applicant, and further finds that the applicant has the experience, equipment, personnel and financial resources to institute and maintain such service, and that public convenience and necessity require that the application as amended be granted.

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 modified or canceled 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, and the Commission having made the foregoing findings, and good cause appearing,

IT IS ORDERED:

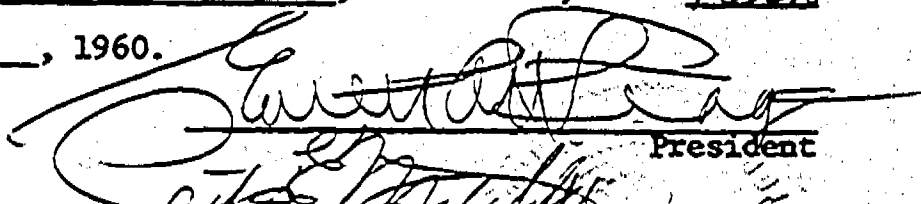
1. That a certificate of public convenience and necessity be and it hereby is granted to W. R. Webster and W. O. Webster, a co-partnership doing business as Webster Tank Truck Service, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, to transport petroleum and petroleum products in packages, cartons and/or containers when said products are moving in connection with, or in conjunction with, a coincidental movement of petroleum or petroleum products in tank trucks or tank trailers under applicant's present petroleum irregular route authority, between all points and places in the State of California.

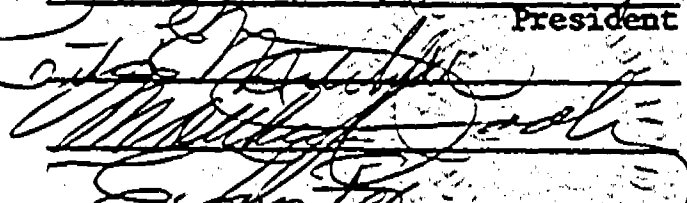
2. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

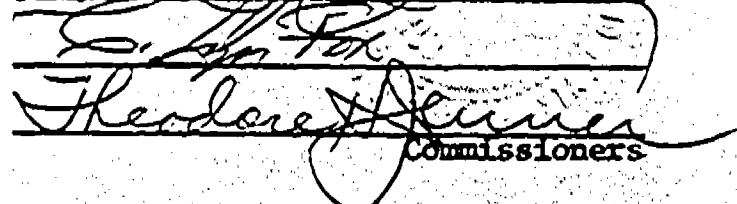
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. 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 Orders No. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, and on not less than ten 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.

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

Dated at San Francisco, California, this 13th day of December, 1960.



President




Theodore H. Turner
Commissioners