

Decision No. 66189**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
GRACE N. BARNETT, dba Marvin Barnett)	
Vacuum Truck Service, to sell; and)	
ERNEST ELLINGTON and VINCENT)	Application No. 45694
BELLOUMINI, individuals, to purchase,)	
a petroleum irregular route Certificate)	
of Public Convenience and Necessity.)	

O P I N I O N

Grace N. Barnett, doing business as Marvin Barnett Vacuum Truck Service, requests authority to sell and transfer, and Ernest Ellington and Vincent Belloumini request authority to purchase and acquire, a petroleum irregular route certificate of public convenience and necessity. Authority is also requested to extend said certificated right and to deviate from Rule 29(a) of the Commission's Rules of Procedure.

The right was granted by Decision No. 52961, dated February 28, 1956, and authorizes the transportation of petroleum and petroleum products in vacuum type tank trucks and tank trailers over irregular routes between all points and places within a radius of 20 air miles in all directions from the city limits of the City of Fillmore, including the City of Fillmore. Authority is requested to extend service to all points and places in California. Because said extension is most likely to compete with the petroleum irregular route carriers located in Ventura County only, copies of the application were sent to said carriers and, because of the financial burden, authority is requested to deviate from Rule 29(a) of the Commission's Rules of Procedure, which would require copies being served on all of the petroleum irregular route carriers in the state.

The agreed cash consideration for the certificate is \$500. Applicant buyers are not now engaged in the transportation business, but have been so engaged in various capacities for approximately 15 years. If the authority to transfer is granted, applicant buyers will have six units of equipment available to provide service. As of August 16, 1963, applicant Ellington indicated a net worth in the amount of \$15,360 and applicant Belloumini indicated a net worth in the amount of \$8,550.

After consideration, the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. Insofar as the transfer is concerned, applicants should be permitted to deviate from Rule 29(a) of the Commission's Rules of Procedure.
3. Public convenience and necessity do not require the proposed extension.

The Commission concludes that the application should be granted only to the extent set forth in the ensuing order.

If applicant buyers subsequently wish to file an application extending their certificated operations, they may do so, but before an extension may be granted in a certificate case, copies of the application must be served upon the carriers with which the proposed service might compete and an affirmative showing of public convenience and necessity must be established.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1964, Grace N. Barnett, doing business as Marvin Barnett Vacuum Truck Service, may sell and transfer, and

Ernest Ellington and Vincent Belloumini may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Ernest Ellington and Vincent Belloumini shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

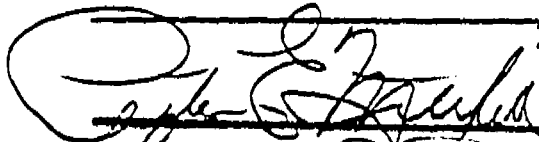
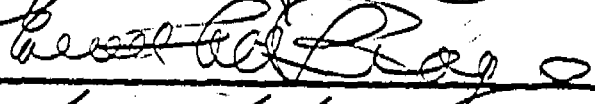
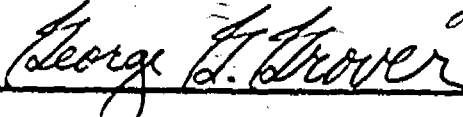

3. Ernest Ellington and Vincent Belloumini shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that they have adopted or established, as their own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

4. Applicants are hereby authorized to deviate from Rule 29(a) of the Commission's Rules of Procedure.

5. In all other respects Application No. 45694 is hereby denied.

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

Dated at San Francisco, California, this 22nd day of OCTOBER, 1963.

 President


 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.