

Decision No. 70784**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Tony G. Carrasco for Transfer
of Operative Rights as a Petroleum
Irregular Route Carrier from
R. L. Floyd, Transferor, to Tony G.
Carrasco, Transferee, under Section
851 of the Public Utilities Code.

Application No. 48287
(Filed March 4, 1966)

O P I N I O N

R. L. Floyd desires to transfer, and Tony G. Carrasco desires to acquire, a certificate of public convenience and necessity issued by the Commission by Decision No. 51454, dated May 10, 1955, in Application No. 36477, authorizing operations as a petroleum irregular route carrier in the transportation of petroleum and petroleum products in vacuum tank trucks between all points and places within the Counties of Kern, Los Angeles, Orange and Ventura.

The agreement for sale, a copy of which is attached to the application, provides that for the sum of \$10,000 Floyd will sell Carrasco his vacuum truck business and good will, including the petroleum irregular route certificate, a radial highway common carrier permit and a city carrier permit held by Floyd. In addition, for the sum of \$20,000, Floyd will sell to Carrasco thirteen pieces of motor vehicle equipment used in such business. This is all of the equipment operated by Floyd in the business.

The application states that Carrasco has had eleven years' experience in transportation but has not previously been engaged in operations under authority of the Commission. A financial statement

showing Carrasco's financial condition as of November 1, 1965 discloses that he has the financial ability to conduct the operation proposed to be transferred.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by R. L. Floyd and the issuance of a certificate in appendix form to Tony G. Carrasco.

Tony G. Carrasco 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.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1967, R. L. Floyd may sell and transfer, and Tony G. Carrasco may purchase and acquire, the certificate and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Tony G. Carrasco 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. Tony G. Carrasco shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established, as his own, said rates and rules. 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. On or before the end of the third month after the consummation of the transfer as herein authorized, Tony G. Carrasco shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Tony G. Carrasco, authorizing him to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 51454, which certificate shall be revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. 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. Applicant is placed on notice that, if he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-D. Failure to comply with and observe the safety rules, or the provisions of General Order No. 100-D, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 1st day of JUNE, 1966.

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

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

Fredrick A. Hallock
President

George J. Weaver

August

Commissioners

Tony G. Carrasco, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in vacuum tank trucks between all points and places within the Counties of Kern, Los Angeles, Orange and Ventura.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 70784, Application No. 48287.