

Decision No. 82088

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BARNETT TRUCKING, INC., a California corporation, for authorization to transfer a Petroleum Irregular Route certificate of public convenience and necessity from Vincent Belloumini, Ira W. Hunt and J. B. Cantrell, a partnership, dba Barnett Vacuum Truck Service.

Application No. 54291
(Filed August 31, 1973)

O P I N I O N

Vincent Belloumini, Ira W. Hunt, and J. B. Cantrell, a co-partnership doing business as Barnett Vacuum Truck Service, request authority to transfer a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier to Barnett Trucking, Inc., a newly formed corporation of which applicant transferors are the corporate officers and sole stockholders.

The certificate was acquired by Decision No. 75068 dated December 10, 1968 in Application No. 50596 and authorizes the transportation of petroleum and petroleum products in vacuum type trucks and trailers over irregular routes between all points and places within a radius of 20 air miles in all direction from the city limits of the city of Fillmore, including the city of Fillmore.

The new corporation will operate 11 units of leased equipment. As of August 31, 1973 it indicated a net worth in the amount of \$51,000.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not

necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Vincent Belloumini, Ira W. Hunt, and J. B. Cantrell and the issuance of a certificate in appendix form to Barnett Trucking, Inc.

Barnett Trucking, Inc. is 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. 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

IT IS ORDERED that:

1. On or before April 30, 1974, Vincent Belloumini, Ira W. Hunt, and J. B. Cantrell may sell and transfer the operative rights referred to in the application to Barnett Trucking, Inc.
2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.
3. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. 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-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. By accepting the certificate herein granted, Barnett Trucking, Inc., a corporation, shall assume any and all obligations of Vincent Belloumini, Ira W. Hunt, and J. B. Cantrell, a co-partnership, doing business as Barnett Vacuum Truck Service, which may be imposed by the Commission in its investigation in Case No. 9522 against the transferors.

5. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Barnett Trucking, Inc., authorizing it to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity acquired by Decision No. 75068 dated December 10, 1968 in Application No. 50596 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Transferee shall comply with the safety rules of the California Highway Patrol, and insurance requirements of the Commission's General Order No. 100-Series.

8. Transferee shall maintain its 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. Transferee shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If transferee elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 7th
day of NOVEMBER, 1973.

Vernon L. Skaggs
President
William J. Lyons Jr.
William K. Lyons
Charles A. Lyons
Edna Lyons
Commissioners

Barnett Trucking, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations 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 bulk in vacuum-type and pump-type tank trucks or tank trailers:

1. Between all points and places within a radius of twenty miles from the city limits of the City of Fillmore.
2. Within the City of Fillmore, and between said City and points described in paragraph 1, above.

RESTRICTION: Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 82088, Application No. 54291.