

ORIGINALDecision No. 82634

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) KENNETH PAGE, an individual doing business as GILMORE AND PAGE, to sell, and THOMPSON PETROLEUM TANK LINES, INC., a California corporation, to purchase, a petroleum irregular route certificate authorizing service between all points in the State of California, pursuant to Sections 851-853 of the California Public Utilities Code.

(b) THOMPSON PETROLEUM TANK LINES, INC., a California corporation, to issue shares of its common capital stock, pursuant to Sections 816-830 of the California Public Utilities Code.

Application No. 54598
(Filed January 25, 1974)

O P I N I O N

Kenneth Page, doing business as Gilmore and Page, requests authority to sell and transfer, and Thompson Petroleum Tank Lines, Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier. Purchaser also requests authority to issue 1,000 shares of its common capital stock to its president, William E. Thompson, in consideration of the payment of \$10,000 to be used for purchasing the certificate and for working capital.

The certificate was granted by Decision No. 44348 in Application No. 31194 and was acquired by seller pursuant to authority granted by Decision No. 68024 in Application No. 46796. It authorizes the transportation of petroleum and petroleum products in tank trucks and trailers, over irregular routes, between all points and places within the State.

The cash consideration for the certificate is \$3,500. Purchaser is a newly formed California corporation. It is alleged that its president has operated 38 gasoline stations in the counties of Los Angeles, Orange, Ventura, San Bernardino, and Santa Barbara since 1958; that in connection with this service he has operated a fleet of motor vehicle equipment specializing in the transportation of bulk petroleum products; and that as a result of the current fuel shortage purchaser has been requested by various refineries and consignees of bulk petroleum products to provide a for-hire service for the movement of said products between various points within the State.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the money, property, or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. 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 Kenneth Page and the issuance of a certificate in appendix form to Thompson Petroleum Tank Lines, Inc.

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

Thompson Petroleum Tank Lines, 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 December 1, 1974, Kenneth Page may sell and transfer the operative rights referred to in the application to Thompson Petroleum Tank Lines, Inc.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser 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. 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 Thompson Petroleum Tank Lines, Inc., a corporation, authorizing it to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, as set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 44348 in Application No. 31194 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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

7. Purchaser 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.

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

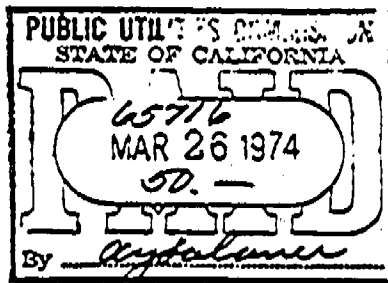
9. With respect to the leasing of equipment, purchaser shall comply with the provisions of the Commission's General Order No. 130.

10. Thompson Petroleum Tank Lines, Inc. may issue to William E. Thompson not exceeding 1,000 shares of its common capital stock having a par value of \$10 per share for \$10,000 cash to be used for the purposes specified in this proceeding.

11. Thompson Petroleum Tank Lines, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

The authority herein granted to issue capital stock will become effective when Thompson Petroleum Tank Lines, Inc. has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 26th
day of MARCH, 1974.



Verano L. Stuenkel
President
William L. Symons, Jr.
[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.

Thompson Petroleum Tank Lines, 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 tank trucks and tank trailers between all points and places in the State of California.

RESTRICTIONS:

Whenever Thompson Petroleum Tank Lines, Inc., a corporation, engages other carriers for the transportation of property of William E. Thompson and/or Dean E. Jensen and/or Thompson Petroleum Tank Lines, Inc., or customers or suppliers of said individuals or corporation, Thompson Petroleum Tank Lines, Inc., shall not pay such other carriers rates and charges less than the rates and charges published in Thompson Petroleum Tank Lines, Inc.'s tariffs on file with this Commission.

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. 82634, Application No. 54598.