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ORIGINAL

Decision No. 83432

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Bennie R. Reagen, an individual, )  
dba Reagen's Vacuum Truck Service, )  
to transfer a petroleum irregular )  
route certificate to Bennie R. )  
Reagen and Dennis E. Reynolds, a )  
partnership dba Reagen's Vacuum )  
Truck Service. )

Application No. 55027  
(Filed July 11, 1974)

O P I N I O N

Bennie R. Reagen, a California resident doing business as Reagen's Vacuum Truck Service, requests authority to sell and transfer, and Bennie R. Reagen and Dennis E. Reynolds, a partnership doing business as Reagen's Vacuum Truck Service, request authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

The certificate was granted by Decision No. 81166 in Application No. 53779 authorizing the transportation of petroleum and petroleum products, in vacuum-type and pump-type tank trucks or tank trailers, between all points and places within a radius of fifty miles from Newhall, California.

Bennie R. Reagen is the majority partner (71 percent) and Dennis E. Reynolds is the minority partner (29 percent) of the partnership, Reagen's Vacuum Truck Service.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest.

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 Bennie R. Reagen, an individual, and the issuance of a certificate in appendix form to Bennie R. Reagen and Dennis E. Reynolds, a partnership.

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

Bennie R. Reagen and Dennis E. Reynolds are 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 31, 1974, Bennie R. Reagen may sell and transfer the operative rights referred to in the application to Bennie R. Reagen and Dennis E. Reynolds.

2. Within thirty days after the transfer the purchasers 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. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their 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 Bennie R. Reagen and Dennis E. Reynolds authorizing them 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. 81166 in Application No. 53779 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

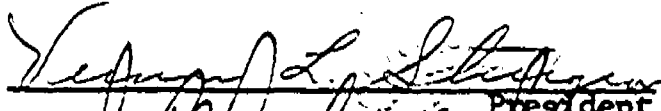

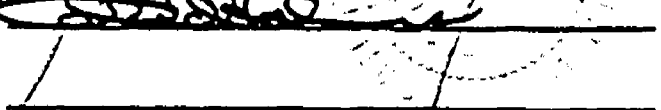
6. Purchasers shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

7. Purchasers shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. Purchasers shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchasers elect not to transport collect on delivery shipments, they 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 11<sup>th</sup> day of SEPTEMBER, 1974.

  
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President  
  
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Commissioners

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

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

products in vacuum-type and pump-type tank trucks or tank trailers:

fifty miles from Newhall, California.

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)