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Decision No. 83723

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. T. HUTCHISON, an individual, doing business as B & H SERVICE, to transfer a Petroleum Irregular Route Certificate of Public Convenience and Necessity to MARIAN R. EVANS, an individual, under the provisions of Section 851 of the Public Utilities Code.

Application No. 55233
(Filed October 4, 1974)

O P I N I O N

J. T. Hutchison, doing business as B & H Service, requests authority to sell and transfer, and Marian R. Evans requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier.

The certificate was acquired by Decision No. 65228 dated April 16, 1973 in Application No. 45202 and authorizes the transportation of petroleum products and related commodities between points and places in the counties of Santa Barbara, San Luis Obispo, and Monterey. The agreed cash consideration is \$2,500.

As of January 1, 1974 applicant purchaser indicated a net worth in the amount of \$84,000.

Seller desires to discontinue active operations due to poor health. Buyer has been actively associated in seller's business for the past 2½ years and is thoroughly familiar with all phases of such operations.

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 J. T. Hutchison and the issuance of a certificate in appendix form to Marian R. Evans.

Marian R. Evans 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 1, 1975, J. T. Hutchison may sell and transfer the operative rights referred to in the application to Marian R. Evans.
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 she has adopted or established, as her 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 Marian R. Evans, authorizing her 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.

5. The certificate of public convenience and necessity granted by Decision No. 65228 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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

7. Purchaser shall maintain her 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 her 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 applicant elects not to transport collect on delivery shipments, she 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 19th day of NOVEMBER, 1974.

William J. Lyons President
[Signature]
[Signature]
Robert E. McLeod Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Marian R. Evans, by the certificate of public convenience and necessity granted in 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, drilling fluids, oil and chemicals used for drilling purposes and road oil in connection with the surfacing of roads, in bulk, in vacuum-type or pump-type tank trucks in connection with, or incidental to the drilling, reconditioning, or abandonment of an oil well or oil well site, or servicing its facilities and roads thereto, or the repair of pipeline breaks, between points and places in the counties of Santa Barbara, San Luis Obispo and Monterey.

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.

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