Decision No. 19872

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EEVERLEY GIBSON, for a certificate of public convenience and necessity to operate an auto stage line for the transportation of passengers and baggage between Folsom and Represa, California, in conjunction with and as an extension and enlargement of the transportation service now being rendered by applicant between Sacramento and Folsom, California, and intermediate points, via Perkins and Natoma, California.

BY THE COMPLEX ION -

OPINION and ORDER

Application

No.14639

This is an application by Beverly Gibson, operator of an automotive service for the transportation of passengers between Sacramento and various points in the State of California, for a certificate of public convenience and necessity to operate a passenger stage service between Folsom and Represa, said proposed service to be operated in conjunction with and as part of the service he is now operating between Sacramento and Folsom under authority of an operating right he acquired by purchase with the approval of the Railroad Commission, as shown by Decision No.17356 on Application No.13135.

Applicant proposes to operate on a schedule of two round trips daily and to charge a one way fare of 25 cents for the service. Such equipment as may be necessary to take care of traffic demands will be provided.

Represa is located 1.7 miles from Folsom. It is the site of Folsom State Prison. It is not served by any transportation service, taxicabs heretofore operated by applicant Gibson and others having taken care of traffic demands. Pierce Arrow Stage and Southern Pacific Railroad, transportation companies operating in the vicinity, have waived opposition to the granting of the certificate.

IW

We are of the opinion, in view of the circumstances as outlined herein that this is a matter in which a public hearing is not necessary and that the application should be granted.

Beverly Gibson is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determing reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of an automobile service for the transportation of passengers and baggage between Folsom and Represe, and

IT IS MEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to Beverly Gibson, subject to the following conditions:

1- That the operating right herein authorized shall not be considered as an additional operating right but as an extension of the operating right authorizing service between Sacramento and Folsom, heretofore acquired by Beverly Gibson from R. O. Douglass, and that the service herein authorized shall be operated by Gibson in conjunction with and as part of said Sacramento-Folsom service.

2- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

3- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof. 4- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been socured.

5- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this // day of June, 1928.

IONERS.