

Decision No. 20112

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Otis C. Dwy for certificate of public  
convenience and necessity to operate  
passenger auto stage service between  
El Segundo and Inglewood and all  
intermediate points.

Application No. 14672.

**ORIGINAL**

BY THE COMMISSION:-

OPINION AND ORDER

This is an application by Otis C. Dwy for a certificate of public convenience and necessity to operate an automobile passenger stage service between El Segundo and Inglewood and all intermediate points.

Dwy is now operating a service between El Segundo and Inglewood under authority of a certificate of public convenience and necessity granted by the Railroad Commission in its Decision No. 13571, dated May 17, 1924 and issued on Application No. 9776. Through a misunderstanding of the terms of his certificate he has been giving service to intermediate points. The instant application was filed in compliance with verbal directions from the Commission in order that the intermediate point service may be given legally. Other carriers operating in the territory, namely, Pacific Electric Railway Company, Los Angeles Railway and West Coast Rapid Transit Company, have advised that they have no objection to the granting of the application.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted, with the understanding, however, that the certificate herein authorized to be granted shall be a certificate issued in lieu of and not in addition to the certificate granted by Decision No. 13571.

Otis C. Dwy 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 determining 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 by Otis C. Dwy of an automotive service for the transportation of passengers between El Segundo and Inglewood and all intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to Otis C. Dwy subject to the following conditions:

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

2- 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 identical with 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 twenty (20) days from the date hereof.

3- 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 secured.

4- 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 15th day of

August 1928.

Leon Whidley

Chairman

David S. Lewis

Member

COMMISSIONERS.