

Decision No. 20384

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
A. M. AKINS & SONS for certificate
of public convenience and necessity
to operate automobile freight ser-
vice between Lower Lake and Kelsey-
ville and Lakeport, service to be a
part of and an extension to present
operative rights now held by appli-
cant between Calistoga and Lower
Lake and Subs Early Subdivision.

ORIGINAL

Application No. 14879.

A. M. Akins, for himself.

C. E. Brown for San Francisco, Napa and Calistoga Ry.;
Interested party.

BY THE COMMISSION:

O P I N I O N .

The applicant has a prescriptive right to operate a motor truck freight service between Calistoga and Lower Lake with no intermediate service and has a right by certificate from this Commission (Decision 14511 on Application 10733) to serve points to the northeast of Lower Lake as far as Subs Early Division. He now applies for a certificate to extend his service from Lower Lake to Lakeport by way of Kelseyville.

A public hearing on said application was held in Middletown on October 5, 1928. No protest was made to the granting of the application. There is no carrier rendering a freight service between Calistoga and Lakeport, Kelseyville being the

farthermost terminus of any line now operating out of Calistoga. One Stoddard is rendering a weekly service to Kelseyville, but evidence was introduced to the effect that his service is not regular and is entirely inadequate.

The applicant testified that an extension of his line from Middletown to Kelseyville and Lakeport, with the establishment of through rates as offered in his schedules, will give patrons in those localities freight service to San Francisco by way of Calistoga at rates favorable to those obtainable from lines operating by way of Hopland. There is evidence that such a service as that proposed by Akins would be of advantage not only to the residents of Lakeport but also to those of Kelseyville and Lower Lake and points intermediate who are now without through freight service in both directions.

Applicant offers a tri-weekly schedule as shown on Exhibit "B" filed with this application, for which he now has ample equipment available. Class and commodity rates proposed are those set forth in Exhibit "A".

A. M. Akins & Sons are 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.

O R D E R .

A public hearing having been held on the above entitled

application, the matter submitted and now being ready for decision

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby finds that public convenience and necessity require that A. M. Akins & Sons operate a motor truck service for the transportation of freight between Lower Lake and Kelseyville and Lakeport and intermediate points, said service to be an extension of and consolidated with their existing operative right between Calistoga and Lower Lake and between Lower Lake and Subs Early Division, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to A. M. Akins & Sons subject to the following conditions:

1. Applicant shall file their 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 sixty (60) 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 them under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

DATED at San Francisco, California, this 24th day of October, 1928.

Leon Osborn
Osborn
John D. Smith
W. P. Lee

COMMISSIONERS.