

Decision No. 20491

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 W. W. QUIGLEY, operating under
 fictitious name of Williams & Bartlett
 Springs Stage Line, for certificate of
 public convenience and necessity to
 operate express and freight service as
 a common carrier between Williams and
 Bartlett Springs, California, and
 intermediate points.

Application No. 15189

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

W. W. Quigley has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automotive service for the transportation of express and freight between Williams and Bartlett Springs and intermediate points.

The rates proposed to be assessed for this service, and rules and regulations governing same are as set forth in Exhibit "A" attached hereto. The time schedule and route between the points to be served are as per Exhibit "B" also attached and the equipment to be operated in the proposed service is as shown in Exhibit "C".

Applicant Quigley has been operating as a common carrier by automobile stage of passengers and baggage between Williams and Bartlett Springs, and intermediate points, continuously since 1900. His tariffs and time schedules are on file with the Railroad Commission. Practically his entire traffic is from and to the Bartlett Springs Company, located at Bartlett Springs. It and several families residing nearby depend, during the winter season, upon applicant to keep them supplied with material and food, and in summer to take care of inbound vegetables, perishables and rush orders for supplies, etc. Applicant is the only certificated carrier serving points intermediate to Williams and Bartlett Springs

and the only carrier in a position to satisfactorily transport express and freight between Williams and Bartlett Springs and intermediate points.

Applicant Quigley proposes to transport express on his passenger stages and to transport freight on other equipment, moving the latter by truck when it accumulates in sufficient quantity to justify despatch of trucks.

We are of the opinion that this application should be granted and that it is a matter in which a public hearing is not necessary.

W. W. Quigley 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 W. W. Quigley of an automotive service for the transportation of express and freight, as a common carrier, between Williams and Bartlett Springs and intermediate points, including Venado, Leesville, Little Indian Valley, Hough Springs and Allen Springs, 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 W. W. Quigley, 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 thirty (30) 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 16th day of November, 1928.

W. A. ...

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W. A. ...
COMMISSIONERS.