

points, protested the granting of said application in so far as the proposed service covers shipments weighing less than 100 pounds transported from one consignor to one consignee.

A public hearing on this application was conducted before Examiner Satterwhite at Sonora, the matter was submitted and is now ready for decision.

Applicant testified in his own behalf and called several other witnesses in support of his proposed service.

The evidence shows that Pine Crest and Strawberry are summer resorts, at each of which is operated a hotel, together with cottages, for the accommodation of the general public. Many summer homes and public camping grounds are located adjacent to and along the proposed route of applicant. During recent summer seasons there has been considerable development in this mountain region and many new summer homes have been built and several new camping sites established. The Boy Scouts of Alameda, the Girl Scouts of Modesto and the Yosemite Boy Scouts have also established their public camp grounds in this mountain section adjacent to and along the route proposed to be served by applicant.

Sonora is a buying center for this particular mountain territory and during the summer period the merchants of this community sell and transport a large volume of express matter and freight to these resorts and camping sites.

C. F. Whipple, protestant, has operated for the past five years under the authority of this Commission a passenger and express service between Sonora and Pine Crest and way points and protested at the hearing the duplication of his express service with respect to any shipments weighing less than 100 pounds. The

record shows that the protestant ever since March 29, 1923, at which time he placed himself under the regulation and jurisdiction of this Commission, has rendered a satisfactory service and that no complaints of any kind have ever been made against the adequacy of his service.

We have carefully considered all the evidence in this proceeding and we are of the opinion that public convenience and necessity require the proposed service of applicant, with the proviso and limitation, however, that said applicant shall not carry any single package weighing less than 100 pounds from one consignor to one consignee and the application should be granted with the limitation above indicated.

G. W. Sundborg 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.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted and being

now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require
the operation by G. W. Sundborg from June 1st to October 1st,
approximately, of an automobile truck-line as a common car-
rier of freight between Sonora and Pine Crest, and intermedi-
ate points via Twain-Harte, Long Barn and Strawberry, pro-
vided however, that said applicant shall carry no single
package weighing less than 100 pounds from any one consignor
to any one consignee to and from any point on his proposed
route now served by C. F. Whipple.

IT IS HEREBY ORDERED that a certificate of public
convenience and necessity be and the same is hereby granted
to said G. W. Sundborg for the operation of the service here-
inabove described, 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 the 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 Com-
mission, 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, trans-
ferred nor assigned unless the written con-
sent of the Railroad Commission to such dis-
continuance, sale, lease, transfer or assign-
ment 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.

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

Dated at San Francisco, California, this 13th day of December, 1928.

Leon White
Chairman
Commissioner

M. J. Carr
Commissioners.