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Decision No. 20794.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
GEORGE HARM for certificate of public)
convenience and necessity to operate)
auto truck and express service as a)
transportation company between Fresno)
and Coalinga.)

Application No. 5346.
(Supplemental)

Harry A. Encell, for Applicant.

BY THE COMMISSION:

O P I N I O N

Applicant prays for an order authorizing a rerouting of his auto truck operations between Fresno and Coalinga. A certificate granted the applicant in 1920 by Decision 7647 provides for service between such points by way of Helm. He now requests a modification of that certificate to provide for an alternate service on the paved highway leading southward from Fresno via Elm Avenue to a point near Lemoore where it joins the Coalinga highway.

Applicant does not request permission to serve any points which he is not now entitled to serve under his existing certificate. On the old road, Helm has been the only intermediate point served. Applicant will continue to serve patrons at Helm when called upon, but because of economies in operation, desires to route all through Fresno-Coalinga shipments by way of the paved highway. Mr. Harm has regularly used this highway since its completion, thinking he had a right to do so, and in fact would at times

have been unable to use the old road because of its impassable condition. We are of the opinion that the application should be granted.

George Harm 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.

ORDER

The above entitled supplemental application having been filed, a public hearing having been held, the matter submitted, and now being ready for decision

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require that George Harm operate a motor truck service for the transportation of freight and express between Fresno and Coalinga by way of Helm and intermediate points along said highway, the service to Helm to be upon demand, and as an alternate route, over the paved highway via Easton, Camden and Hub, provided, however, that no service shall be rendered to any points intermediate Fresno and Coalinga along said paved highway via Easton, Camden and Hub, and

IT IS HEREBY ORDERED that a certificate for said service be and the same is hereby granted to George Harm

subject to the following conditions:

1. The certificate of public convenience and necessity herein granted shall be in lieu of and not in addition to the right heretofore granted by said Decision No. 7647.
2. 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.
3. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, time schedules covering change in service authorized herein.
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 secured.
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 18th day of February, 1929.

Thos S. Lott
Chas. H. ...
Edward ...
Leon ...

COMMISSIONERS.