

Decision No. 21177

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
W.R.MILES for certificate of public
convenience and necessity to operate
freight, passenger and express service
between Fresno, Huntington Lake
(Camp Edwards and Camp 60) and Camp 64
(Florence Lake) Fresno County, California,
and for permission to merge with present
rights.

ORIGINAL

) Application
) No. 15643
)
)
)

BY THE COMMISSION -

OPINION and ORDER

This is an application by W.R. Miles, who operates a certified automobile service for the transportation of passengers and property between Fresno and a point described as "Camp 60", located on the east shore of Huntington Lake, for a certificate of public convenience and necessity to extend his service from "Camp 60" to "Camp 64", a point on the north shore of Florence Lake, approximately 20 miles east of the present terminus of the Miles line.

It is proposed to operate the extension as a seasonal service, the season extending from approximately June 1st to September 1st of each year, and to make two trips per week in each direction. The fares and rates to be charged are shown in Exhibit A, which is attached to the application herein and made a part thereof. Exhibit B, also attached, shows the time schedule proposed to be observed.

Applicant has for many years operated an automotive freight, passenger and express service between Fresno, Big Creek and Huntington Lake points, terminating at Camp "60", on the extreme east end of Huntington Lake. Connection is made at Big Creek with the San Joaquin and Eastern Railroad Company.

The automobile road from Camp "60" to Camp "64" (20 miles) over which it is proposed to operate, was constructed by the

Southern California Edison Company as a private road, and was used by it in handling materials and workmen in the construction of the dam and power plant at the north end of Florence Lake (Camp "64"). With the completion of this construction work the road in question has been turned over to the U. S. Forest Service Department for maintenance and control. The matter of operation of a public transportation service over the road by applicant has been taken up with the Department of Agriculture, as well as the District Forest Service and has met with their approval.

Applicant declares that there is urgent need for the extension asked for on account of the opening of the vacation season, and the discontinuance of the private service rendered in previous years by the Southern California Edison Company. In the vacation period, which begins about June 1st, many camps are established in the territory between Camps 60 and 64, creating, according to applicant, a distinct need for a transportation service.

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. There are no competitive carriers in the territory proposed to be served.

W.R. Miles 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. R. Miles of an automobile service for the transportation of passengers, freight and express between Camp 60 on the east shore of Huntington Lake and Camp 64 on the north shore of Florence Lake

and intermediate points, 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. R. Miles, subject to the following conditions:

1. That the certificate herein granted shall be accepted as an extension of the W. R. Miles' operating right between Fresno and Camp 60 and not as a separate operating right.
2. That the service shall be seasonal, beginning on or about June 1st of each year and ending on or about September 1st.
3. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
4. 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 (60) days from the date hereof.
5. 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.
6. 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 21st day of May, 1929.

David L. Smith
C. L. Seamy
James M. ...
John C. ...
M. M. ...
COMMISSIONERS.