

Decision No. 21997

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
A. E. CANFIELD for certificate of)
public convenience and necessity)
to transport express parcels and) Application No. 15686
baggage for Southern Pacific Company,)
between Surf and Lompoc, California.)

BY THE COMMISSION -

OPINION and ORDER

This application, as amended, is a petition by A.E. Canfield for an order of the Railroad Commission declaring that public convenience and necessity require the operation by him of an automobile service for the transportation of express between Lompoc and Surf, said service to be performed in connection with and as part of the automotive passenger stage service now being performed by applicant Canfield between Lompoc and Surf.

Applicant proposes to charge for the transportation of express in accordance with an exhibit marked "2", which is attached to the application herein and made a part thereof.

The service now being performed by Canfield was established prior to May 1, 1917. Tariff bearing the notation C.R.C. No. 1, did not, however, show an express rate, though the service has been performed at all times. The instant application is filed for the purpose of legalizing an operation performed under the mistaken opinion that the right to transport express had been properly established.

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.

A. E. Canfield 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 A. E. Canfield of an automotive service for the transportation of express matter between Lompoc and Surf and intermediate points, said service to be operated in conjunction with and as part of the passenger stage service now being operated by applicant between Lompoc and Surf, and not as a separate service, and

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

1- The operating right herein granted shall not be considered as a separate right but as part of the right established by applicant prior to ~~Jan~~ May 1, 1917.

2- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.

3- 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.

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 ~~14th~~ day of June, 1929.

Thos. O. Rutter
Secretary
James J. [unclear]
Leon [unclear]