

Decision No. 15544

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of
FOSS FIELD and MARTIN KLEINFELD for
certificate of public convenience and
necessity to operate passenger and
freight and express and baggage ser-
vice as a common carrier between
Cholame, San Luis Obispo County, and
Hanford, Kings County.

ORIGINAL

Application No. 15544.

J.C.C. Russell, for Foss Field and Martin Kleinfeld.
Earl A. Bagby, for California Transit Company.
Al G. Schmitt, for Southern Pacific Company and
Railway Express Agency.
Earl C. Cook for Kern County Transportation Company
and Boyd Stages.
E. I. Clarke and E. L. McConnel for the Valley & Coast
Transit Company.
Mark D. Buckles for Star Mail Route.

BY THE COMMISSION:

O P I N I O N

Foss Field and Martin Kleinfeld, co-partners, have petitioned the Railroad Commission, in accordance with their amended application, for an order declaring that public convenience and necessity require the operation by them of an automobile stage line as a common carrier of passengers, baggage and express matter between Keck's Corners, Kern County, and Hanford, King's County, serving Kettleman City, Standard Oil Camps No. 1 and No. 2, Avanal Road, Devil's Den and intermediate points, provided however that no express matter shall be carried locally between Hanford and Stratford and way points and provided further that no passengers shall be carried locally

between Hanford and Lemoore and way points, save and except that southbound passengers may be picked up for points south of Lemoore, but northbound passengers originating south of Lemoore destined to points north of Hanford shall not be carried to Armona or Hanford.

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

Applicants propose to charge rates in accordance with Exhibit "A" and to operate under a time schedule and over a route in accordance with amended exhibit "B" attached to said application. Applicants will use the equipment in Exhibit "C" attached to said application.

California Transit Company, Southern Pacific Company, Railway Express Agency and Valley Coast & Transit Company appeared in opposition to the granting of the application, but as the result of certain stipulations made and entered into at a hearing between the applicants and said protestants, as to certain limitations to be placed upon applicants' proposed service, as shown in their amended application, the said protestants withdrew their protests.

The evidence shows that Kettleman Hills is a new oil field in Kern County, where large deposits of oil and natural gas have recently been discovered. Several large oil companies are now operating in this oil district and employ several hundred men. These laborers and employees and many of their families live in Hanford and Lemoore and other points along the proposed route of applicants and have requested the applicants to establish the proposed service.

Hanford and Lemoore are purchasing centers for this oil field and many of the merchants and business men along the line have requested an authorization of the proposed service.

After a careful consideration of the evidence in this proceeding, we are of the opinion that public convenience and necessity require the proposed service of applicant and that the application should be granted.

Foss Field and Martin Kleinfeld, co-partners, are 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 proceeding, 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 Foss Field and Martin Kleinfeld, copartners, of an automobile stage line as a common carrier of passengers, baggage and express matter between Keck's Corners, Kern County, and Hanford, King's County, serving Kettleman City, Standard Oil Camps No. 1 and No. 2, and a point named Avanal on Avanal Road, Devil's Den

and intermediate points, provided however that no express matter shall be carried locally between Hanford and Stratford and points between Hanford and Stratford and provided that no passengers shall be carried locally between Hanford and Lemoore and points between Hanford and Lemoore, save and except that southbound passengers may be picked up for points south of Lemoore, but northbound passengers originating south of Lemoore destined to points north of Hanford shall not be carried to Armona or Hanford or points intermediate between Armona and Hanford.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Foss Field and Martin Kleinfeld, co-partners, for the operation hereinabove described, subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
2. Applicants 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 ninety (90) 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 applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

5- Express matter transported under the authority herein granted shall be limited to such commodities as may be transported on the automotive passenger stages operated by applicants without inconvenience to passengers, no single shipment to weigh in excess of 100 pounds.

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

Dated at San Francisco, California, this 3rd day of October, 1929.

Thos D. Pettit
C. J. Seaver
Edward W. ...
Leon ...
Commissioners.