



Applicant does not desire authority to serve locally between Orland and Hamilton City, and intermediate points; nor between Princeton and Colusa and intermediate points on Tuesdays and Saturdays, except, in both cases, authority is requested permitting the handling of business originating at or destined to points beyond said points, which may be located on applicant's proposed route.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts:

- 1- That applicant, who is now operating a Star Mail Route between Orland and Arbuckle and intermediate points, has received constant demands from the public for the establishment of the proposed passenger, baggage and express service.
- 2- That there is no presently existing service of any kind on Sunday, except between Sycamore and Colusa as furnished by Sacramento Northern Railway.
- 3- That Southern Pacific Company serves practically all the proposed route, excepting Butte City, by its so-called Colusa Branch, upon which a mixed train service is operated, daily except Sunday. That passengers and shippers complain that the train service is unreliable and slow, resulting from delays caused by the necessity for switching or handling of freight at all points.
- 4- That the granting of the application will provide a public transportation service on Sunday, thereby enabling residents along the proposed route to eliminate the use of private conveyance for their transportation or for emergency requirements by express including the delivery of Sunday papers.

At the hearing applicant filed a stipulation amending the application to eliminate request for the authorization of through service between the terminals of Orland and Arbuckle, but reserving the right to serve from either terminal to and from the intermediate points along said route. Transportation between Orland and Arbuckle, the terminal points of applicant's proposed route is available via the trains of the Southern Pacific Company operating on the main line and by the motor stages of Pickwick Stages System.

W. Lester Thompson, applicant herein, testified regarding the demand for the establishment of the proposed service which had been made in connection with his handling of United States mail over the proposed route; that complaints were made regarding the late arrival of the Southern Pacific mixed train, trains being frequently two or more hours late in their arrival at terminals; and as to the absence of Sunday service, particularly as affecting the delivery of Sunday papers.

One hundred and fifty ranch houses are located along the proposed route, all of which are outside the limits of the towns proposed to be served.

The granting of the application is endorsed by the testimony of the following witnesses:

Fred S. Lowden, Postmaster, Orland.  
E. O. Houchins, Live Stock, Grimes.  
Peter H. Grimm, Service Station, Grimes.  
M. C. Clipp, Garage, Grimes.  
John N. Westberg, Farmer, Butte City.  
Jesse Schofield, Creamery Manager, Orland.  
Geo. W. Leventon, Service Station, Butte City.  
L. T. Chatfield, Service Station, Princeton.  
E. A. Dyer, Newspapers, Butte City.  
F. A. Bushae, Fruit Grower, Glenn.  
W. E. Beat, General Merchandise, Glenn.  
John C. Wright, Tractors and Farm Machinery, Orland.  
Frank S. Reager, Farmer, Ord Bend.  
Van Hoffman, Fruit Grower, Stockman and Farmer, Ord Bend.  
Raymond H. West, Rancher, Hamilton.

The foregoing witnesses testified as to their need of the proposed service. The passenger service will provide a means for transportation of the residents along the route and would be particularly advantageous for the securing of ranch and farm labor which now necessitates ranchers sending their own conveyances when in need of additional or seasonal laborers.

The express service will serve the requirements of the various communities in the transportation of small packages, automobile and farm machinery parts, ice cream, dairy products and newspapers.

There was no protest against the granting of the application. From the record herein, applicant has made a showing justifying the finding that public convenience and necessity requires the establishment of the proposed passenger service. As regards the transportation of express, applicant has proposed to engage in the carriage of general express without limitation as to weight. The record does not justify this request and it appears that a weight limit of 100 pounds per package will satisfactorily meet all requirements of shippers or receivers with the exception of emergency shipments of ice cream in 5 gallon tub containers, and in such instances, a weight limit of 175 pounds will be allowed.

W. Lester Thompson 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 by the number of rights which may be given.

#### ORDER

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and of the opinion that the application should be granted with the limitations as set forth in this order,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by W. Lester Thompson of an automobile stage service as a common carrier of passengers, baggage and express between Orland and Arbuckle, serving the intermediate communities of

Hamilton City, Ord Bend, Glenn, Geyer's, Butte City, Princeton, Colusa, Sycamore, Grimes, College City Junction, and College City, subject to the conditions, limitations and restrictions hereinafter set forth, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to W. Lester Thompson for the operation of an automobile stage line as a common carrier of passengers, baggage and express between Orland and Arbuckle and the intermediate communities of Hamilton City, Ord Bend, Glenn, Geyer's, Butte City, Princeton, Colusa, Sycamore, Grimes, College City Junction, and College City, subject, however, to the following restrictions and limitations:

- 1- No through service may be given between the terminals of Orland and Arbuckle, but the right is hereby granted to operate service from either terminal to and from each terminal and all intermediate points, and between said intermediate points.
- 2- No authority is hereby conveyed for the handling of passengers, baggage and express locally between Orland and Hamilton City or territory intermediate between said stations.
- 3- No authority is hereby conveyed for the handling of passengers, baggage and express locally between Princeton and Colusa, or territory intermediate between said stations, on Tuesdays and Saturdays of each week, but the right is granted to handle traffic originating at or destined to points beyond said stations and intermediate territory, which may be located on applicant's authorized route.
- 4- The express service herein authorized shall be limited to the carriage of packages not exceeding a weight of 100 pounds per unit, except that authorization is hereby given for the transportation of ice cream in 5 gallon tub containers, iced, at an estimated weight of 175 pounds per unit.

The authority hereby granted is 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 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 Commission, and shall commence operation of said service within a period of not to exceed thirty (30) 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 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.

Dated at San Francisco, California, this 19<sup>th</sup> day of  
October, 1929.

Thomas J. Scott

E. J. Jones

Ernest J. Smith

Leon Whittell

W. H. Lee

Commissioners.