

Decision No. 22199

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
 MRS. ELLA DESCHAMPS for a certificate)
 to operate an automobile passenger,) Application
 baggage and express service between) No.16361
 Milton and Copperopolis, California.)

BY THE COMMISSION -

OPINION and ORDER

This is an application by Mrs. Ella Deschamps for a certificate of public convenience and necessity under which to operate an automobile service for the transportation of passengers, express and baggage between Copperopolis and Milton and intermediate points via Felix.

Applicant proposes to charge rates and fares and to operate a service in accord with the tariffs and time schedules on file with the Railroad Commission in the name of Joseph Deschamps, which tariffs and time schedules, by reference, are made part of the application herein.

Joseph Deschamps, husband of the applicant herein, operated for many years, under proper certification, an automotive service for the transportation of passengers, express and baggage between the points now proposed to be served by his widow. On or about January 20, 1930, Joseph Deschamps passed away, and his widow has ever since maintained the service, succeeding also to the contract with the U. S. Government, under which Joseph Deschamps was transporting mail between Copperopolis and Milton. All of the property of Joseph Deschamps, except the certificates of public convenience and necessity granted to him by this Commission covering the service between Copperopolis and Milton, was by deeds and conveyances conveyed to applicant. She seeks by this application authority of the

Commission to continue the service performed by her husband.

Under the circumstances, we are of the opinion that the application should be granted. It does not appear to be a matter in which a public hearing is necessary.

Mrs. Ella Deschamps 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 Mrs. Ella Deschamps of an automobile service for the transportation of passengers, express and baggage between Copperopolis and Milton and intermediate points, via Felix, 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 Mrs. Ella Deschamps, subject to the following conditions:

1- Applicant shall file her 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 satisfactory in form and substance to the Railroad Commission, and shall commence operation of said service within a period 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 her 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 March, 1930.

C. Seavey

David S. Loutin

M. J. Lee
COMMISSIONERS.