

Decision No. 22816

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of CHAS. A. HAND and W. A. FUGITT, co-partners, operating under the fictitious name of Kernville Stage Company for certificate of public convenience and necessity to operate auto stage and trucking service for the transportation of passengers, express, baggage and freight between Onyx, Weldon and Kernville, Isabella, Bodfish, Borel, Hobo Springs, Democrat, K. P. No. 1, Bakersfield and intermediate points as an extension of present operative rights.

ORIGINAL

Application No. 16593.

Chas. A. Hand, for Applicant.

BY THE COMMISSION:

O P I N I O N

Chas. A. Hand and W. A. Fugitt, co-partners operating under the fictitious name of Kernville Stage Company, conduct an automotive stage service for the transportation of passengers, baggage, express and freight between Bakersfield and Kernville, via Kern River Power House No. 1, Democrat Hot Springs, Hobo Springs, Borel Power House, Isabella and intermediate points. By this application they seek an extension of these operating rights so as to include service to Onyx and Weldon, small communities lying from ten to fifteen miles east of Isabella.

A public hearing was held by Examiner Cannon at Bakersfield and the matter was submitted. No one appeared to protest the application.

The testimony shows that the territory east of Isabella is farming and cattle country which had formerly been served by

one Peter Larsen whose operations were discontinued some two years ago. Since that time the farmers and merchants have been compelled to haul their own freight. The principal commodities shipped into the territory are groceries and machinery, and going out are milk and cream. The passenger business appears to be negligible.

Applicant filed with his application proper tariff and time schedules. He proposes to operate his passenger stages daily between Onyx and Bakersfield, making one trip each way per day. Trucks carrying freight will operate twice a week from May to October, both inclusive, and once a week throughout the balance of the year. As in the case of passenger stages, the trucks will each make one round trip every day on such days as they operate.

The service proposed appears to be one that is much needed in the territory east of Isabella and accordingly we are of the opinion, and so find, that the application should be granted.

Chas. A. Hand and W. A. Fugitt 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 application and the matter having been submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY DECLARES that public convenience and necessity require the operation by Hand and Fugitt of an auto stage and trucking service for the transportation of passengers, baggage, express and freight between Onyx and Isabella and intermediate points via Weldon, as an extension and enlargement of their present service between Bakersfield and Kernville and intermediate points via Isabella, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the above described service be and the same is hereby granted to, said Chas. A. Hand and W. A. Fugitt, co-partners, doing business under the fictitious name of Kernville Stage Company, as an extension and enlargement of their present operative right between Bakersfield and Kernville, as granted by Decision No. 17888 of January 12, 1927, on Application No. 13258, 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 sixty (60) 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.

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

Dated at San Francisco, California, this 28th day of August, 1930.

O. L. Scammon

Leon C. White

M. J. Lee

Commissioners.