

Decision No. 23152

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FRED DOLLEY for certificate of )  
 public convenience and necessity to ) Application No. 16929  
 operate passenger and freight service )  
 as a common carrier between Truckee )  
 and Calpine. )

**ORIGINAL**

BY THE COMMISSION -

OPINION and ORDER

This proceeding is an application by Fred Dolley for a certificate of public convenience and necessity to operate an automotive service for the transportation of passengers and freight between Truckee and Calpine and intermediate points.

The rates proposed to be charged, the time schedule proposed to be followed and the equipment proposed to be used are set forth in exhibits attached to the application herein.

The territory was formerly served by one J. Mattos who was authorized to discontinue the service. Dolley, the applicant herein, who transports mail over the route set forth herein, declares that he has received frequent requests to serve the territory as a common carrier of persons and property. Frank C. Word who serves several of the points proposed to be served by applicant, has advised, in writing, that he waives opposition to the granting of the certificate.

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

Fred Dolley 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 of an automotive service for the transportation of passengers and freight between Truckee and Calpine and all intermediate points, via Hobart Mills, Sierraville and Sattley, 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 Fred Dolley, subject to the following conditions:

- 1- Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
- 2- Applicant shall file in duplicate and make effective within a period of not to exceed thirty (30) days from the date hereof a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.
- 3- Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof time schedules, covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- 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 10<sup>th</sup> day of December, 1930.

C. L. Scauer

Emmett

John B. Ladd

COMMISSIONERS