

Decision No. 23325

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN DIEGO ELECTRIC RAILWAY COMPANY,
 a corporation, for certificate of
 public convenience and necessity to
 operate automobile stage line between
 street car connection at University
 Ave., and Euclid Avenue in the City
 of San Diego, and the new site of the
 State Teachers College, located at a
 point approximately one mile north of
 El Cajon Avenue at College way.

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) Application
) No. 17145
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ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

This proceeding is an application by San Diego Electric Railway Company, a corporation, for a certificate of public convenience and necessity to operate an automotive passenger stage service in the city of San Diego over and along the following route:

Commencing at the intersection of Euclid Avenue and University Avenue; thence running northerly on Euclid Avenue to El Cajon Avenue; thence running easterly on El Cajon Avenue to College Way; thence running northerly on College Way and extensions thereof to the State College grounds; returning via said College Way to El Cajon Avenue; thence westerly on El Cajon Avenue to 48th Street; thence southerly on 48th Street to University Avenue; thence westerly on University Avenue to Euclid Avenue, the point of beginning, all within the City of San Diego, State of California.

The fares proposed to be charged and the time schedule proposed to be followed are shown in Exhibits "B" and "C", both of which exhibits, as well as Exhibit "A", showing the route proposed to be followed, are attached to the application herein and made a part thereof.

The proposed service is designed to provide transportation between a transfer connection with applicant's street car service at University Avenue and Euclid Avenue and the site of State

Teachers College at a point approximately one mile north of El Cajon Avenue and College Way. It is also proposed to serve intermediate territory. The service is proposed to be established on request of students and faculty of the college, and has the approval, applicant declares, of numerous other individuals and the city authorities. It is not competitive with any other carrier.

It is our opinion that this application should be granted. We are of the further opinion that it is not a matter in which a public hearing is necessary.

San Diego Electric Railway Company, a corporation, 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 automobile service for the transportation of passengers, serving all intermediate points between the terminals, over and along the following route:

Commencing at the intersection of Euclid Avenue and University Avenue; thence running northerly on Euclid Avenue to El Cajon Avenue; thence running easterly on El Cajon Avenue to College Way; thence running northerly on College Way and extensions thereof to the State College grounds; returning via said College Way to El Cajon Avenue; thence westerly on El Cajon Avenue to 48th Street; thence southerly on 48th Street to University Avenue; thence westerly on University Avenue to Euclid Avenue, the point of beginning, all within the City of San Diego, State of California.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to San Diego Electric Railway Company, a corporation, subject to the following conditions:

- 1- Applicant shall file its 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 it 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 9th day of

January, 1931.

C. C. Seawing
Leon A. White
W. H. C. ...
W. B. ...
James G. Stewart
COMMISSIONERS.