Decision No. 23747.

BEFORE THE RAILROAD CONDUSSION OF THE STATE OF CALLFORNIA

In the Matter of the Application of Leslie T. Alward for (a) a certificate of public convenience and necessity to operate an automobile stage seasonal "on call" service for the transportation of passengers and baggage as a common carrier for compensation, between Weaverville and Trinity Alps Camp, California, and all intermediate points, and (b) to consolidate and unify said operative right with applicant's present passenger, baggage, express and freight operative right between Redding and Burnt Ranch, California.

Application No. 17359.

BY THE COLDAISSION:

## OBINION

In this application, as amended, Leslie T. Alward, operating a certificated automotive stage line between Redding and Burnt Ranch, requests a certificate for the operation of an "on call" service for the transportation of passengers and baggage as a common carrier for compensation between Redding, California on the one hand, and intermediate points between Weaverville and Trinity Alps Camp, California, including Trinity Alps Camp but not including Weaverville, on the other hand. The service proposed is a seasonal service approximately between May 1 and October I of each year, and daily between the hours of 9:00 AM and 5:00 PM. Applicant proposes to give service "on call" providing that notice of intended departure of passengers is received not later than 1:00 PM of the day of intended departure. The rates to be charged are as set forth in the application.

Due to the shortness of the season the applicant has prayed for an exparte decision of the Commission. Because of the fact that no other carriers are affected by the proposed service the Commission is of the opinion that a public hearing is not necessary and that the application should be granted.

Applicant Alward is notified that "operative rights" do not constitute a class of property which may 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 RATIROAD COMMISSION OF THE STATE OF CALIFORNIA HEPERY DECLARES that public convenience and necessity require the operation by Leslie T. Alward of an automotive stage service for an "on call" seasonal transportation of passengers and baggage as a common carrier for compensation between Redding, California, on the one hand, and the intermediate points between Weaverville, California and Trinity Alps Camp, California including Trinity Alps Camp, and excluding Weaverville, on the other hand, and IT IS HERMBY ORDERED that a certificate of public convenience and necessity for such service be and it hereby is granted to Leslie T. Alward as a separate certificate subject to the following conditions: 1. That the service given is to be seasonal between the approximate dates of May 1 and October 31 of each years 21 That such seasonal service is to be an "on call" service daily between the hours of 9:00 AM and 5:00 PM provided that notice of intended departure of passengers is received not later than 1:00 PM of the day of intended departure. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof. 4. 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 -2conform to the certificate herein granted.

5. 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.

- 6. 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.
- 7. 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 Low day of

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