

Decision No. 23752

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 LAWRENCE R. SPENCER for certificate
 of public convenience and necessity
 to operate freight and passenger
 service as a common carrier between
 Copco, California, and Hornbrook,
 California.

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) Application No. 17400
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BY THE COMMISSION -

O P I N I O N

C O N C L U S I O N A L

By this application Lawrence R. Spencer requests authority to establish an automotive service as a common carrier of passengers, baggage and freight between Copco and Hornbrook, California, and intermediate points. He proposes to operate every day but Sunday and to charge rates and fares in accordance with tariffs shown in exhibits attached to the application herein. A proposed time schedule is also attached, also a list of equipment proposed to be used.

Applicant makes daily, except Sunday, trips as a mail contractor and desires authority to transport persons and property. The territory is not served by any common carrier.

From the facts as set forth by the applicant, we are of the opinion that public convenience and necessity require the proposed service. A public hearing does not appear to be necessary.

Applicant Spencer is hereby 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.

O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the operation by Lawrence R. Spencer of an automotive service as a common carrier of passengers, baggage and freight between Copco, California, and Hornbrook, California and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service is hereby granted, 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 12th day of

January, 1931.

CL Severy
Leon C. Whittell
W. J. Lewis
M. B. Harris
Fred G. Stewart
2. COMMISSIONERS.