

Death Valley Transportation Company 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.

O R D E R

Death Valley Transportation Company, a corporation, having made application to enlarge and extend its operation as a common carrier of passengers and baggage between Death Valley Junction, Ryan and Furnace Creek and other points,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension and enlargement of applicant's operating rights, as defined in Decision No. 24179 on Application No. 17746 dated November 2, 1931, over and along the following routes:

- (1) On the Rhyolite-Titus Canyon Road from the California-Nevada State Line to where this road intersects with the Ubehebe Crater Road north of Surveyor's Well in Death Valley.
- (2) On the Rhyolite-Chloride Cliff Road from the California-Nevada State Line to Chloride Cliff.
- (3) From the Salt Pools over a new road opened by this applicant to Bad Water and South to intersect with the Salsberry Pass Road.
- (4) From the Shoshone-Furnace Creek Wash Road to Green Water Springs.
- (5) From the Shoshone-Furnace Creek Wash Road to Willow Springs.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it is hereby granted applicant on the following conditions:

(1) The rights herein granted are an enlargement and extension of present operating rights only and not a new or separate right, and the service may be operated subject to weather conditions.

(2) Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.

(3) 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.

(4) 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.

(5) 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.

(6) 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 23rd day of

November 1931.

C. J. J. J.
Leon J. J. J.
W. J. J.
W. B. J.
Fred G. J.
COMMISSIONERS.