

Decision No. 18528.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of G.C. CELIO for certificate of public convenience and necessity to operate automobile stage line, as a common carrier, between Nevada City and the Murchie Mine and between Nevada City and the Hoge Mine.

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) Application  
) No. 18528  
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BY THE COMMISSION:

O P I N I O N

ORIGINAL

G.C. Celio has made application to establish service for the transportation of passengers between Nevada City and the Murchie Mine and the Hoge Mine according to rates and time schedules attached to the application. The service proposed is intended to facilitate the movement to and from the mines of about 225 workmen who have no other means of transportation. The Murchie Mine is two miles east of Nevada City and the Hoge Mine four miles west and of each route about one-half mile is in the municipal limits of Nevada City. Applicant proposes the use of 30-passenger stages. As no other carrier offers such service and it does not conflict with any other common carrier operations and there is immediate need of its establishment, we believe the application does not require a public hearing. Accordingly it will be granted.

G.C. Celio 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

G.C. Celio having made application to establish automotive service for the transportation of passengers between Nevada City and the Murchie Mine and Hoge Mine,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of an automotive service between Nevada City and Murchie Mine and Hoge Mine for the transportation of passengers; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to G.C. Celio, applicant herein, over and along the following routes:

Between Broad and Pine Streets in Nevada City thence westerly via Broad Street to Blue Tent County Road and via Blue Tent County Road to Hoge Mine, and return.

Between Broad and Pine Streets in Nevada City thence easterly over Broad Street, thence over Boulder Street to the Red Dog County Road to Murchie Mine, and return,

and 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 triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than ten days' notice to the Commission and the public, 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 date hereof, on not less than five days' notice to the Commission and the public, 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 29<sup>th</sup> day of November 1932.

Leon O'Connell

M. A. Carr

W. B. Lewis

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COMMISSIONERS.