

Decision No. 25412.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of)
Warren N. Slinkard, for Certificate)
of public convenience and necessity)
to operate an automobile stage and)
freight service as a common carrier)
between Eagleville and Cedarville,)
Modoc County, California.)

ORIGINAL

Application No. 18462.

B. B. Robinson, for applicant.

BY THE COMMISSION:

O P I N I O N

Warren N. Slinkard has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and express and of an automobile truck line as a common carrier of freight between Eagleville and Cedarville and intermediate points, all in the County of Modoc.

A public hearing on this application was conducted by Examiner Handford at Alturas, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates or fares in accordance with a schedule marked "Exhibit A" as attached to the application to operate one round trip daily except Sunday; and to use as equipment one thirty-passenger Ford Bus and one Ford Truck of 1½ ton capacity.

Applicant relies on the following alleged facts as justification for the granting of the desired certificate; that there is no auto freight or passenger service now operated as a common carrier between Cedarville and Eagleville and that the establishment of a regular daily service as proposed is necessary for the public welfare.

The record shows that applicant is the owner of a mail contract with the U.S. Postal Department authorizing the carriage of U. S. Mail between Cedarville and Eagleville.

Applicant also operates a school bus transporting students to the Surprise Union High School and to the Grammar School at Cedarville from Cedarville and Eagleville and proposes to establish the proposed common carrier service to care for such passenger and freight service as may be offered by the public between Cedarville and Eagleville and points intermediate on said route. The population of Cedarville and Eagleville is about 1000 persons for each community.

A witness, residing along the route testified as to the public convenience and necessity for the regular transportation of freight, milk and cream produced by the ranches along the route and for the receipt of supplies necessary. There is no other regular or authorized transportation service available for these communities or for the ranches located intermediate between Cedarville and Eagleville.

No protest appears against the granting of the proposed certificate. It appears from the evidence that the certificate should be granted. Warren N. Slinkard 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

A public hearing having been held upon the above-entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the operation

of an automobile line by Warren N. Slinkard as a common carrier of passengers, express and freight between Cedarville and Eagleville and intermediate points, all in Modoc County, California, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Warren N. Slinkard for the operation of an automobile line for the carriage of passengers, express and freight between Cedarville and Eagleville and intermediate points, all in Modoc County, as a common carrier for compensation 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 the 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 a tariff or tariffs constructed in accordance with the requirements of this Commission's General Orders and containing rates and rules as shown in the exhibit attached to the application in so far 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 and in a form satisfactory to the Railroad Commission.
- (4) The rights and privileges herein authorized may not be assigned, discontinued, sold, leased or transferred unless the written consent of the Railroad Commission to such assignment, discontinuance, sale, lease or transfer has first been secured.

(5) No vehicle may be operated by applicant herein unless such vehicle is owned by the 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 is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5th day of ~~December~~ November, 1932.

Ed Seamy
Leon Anthony
W. J. Lee
W. B. Harris
Fred G. Stewart
Commissioners.