

Decision No. 25785

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
B. P. McCONNAHA, doing business as
Humboldt Motor Stages, for certificate
of public convenience and necessity to
operate an automobile stage line, as a
common carrier between Willow Creek and
Weitchpec via Hoopa; and between
Orleans and Happy Camp via Somes Bar
and to consolidate same with remainder
of applicant's system.

Application No. 18536

H. C. Nelson for applicant.

BY THE COMMISSION:

OPINION AND ORDER

This is an application of B. P. McConaha, doing business as Humboldt Motor Stages, for a certificate of public convenience and necessity authorizing him to operate an automobile service for the transportation of passengers, baggage and express between Willow Creek and Weitchpec, via Hoopa; and between Orleans and Happy Camp, via Somes Bar. The fares and rates proposed to be charged and the service proposed to be given are shown in Exhibits "A", "B" and "C" attached to the application herein.

Applicant is now serving various communities in Humboldt and Trinity Counties, transporting passengers, baggage and express between various points as follows:

1. Between Eureka and Scotia via Fortuna.
2. Between Elk River Junction and Falk.
3. Between Eureka and Freshwater Camp.
4. Between Eureka and Trinidad via Crannall.
5. Between Eureka and Burnt Ranch via Blue Lake, Korbek and Willow Creek.
6. Between Orick and Orleans via Martin's Ferry and Weitchpec.

It is proposed to operate an automobile stage line as a common carrier of merchandise, baggage and express between Willow Creek and Weitchpec, via Hoopa; and between Orleans and Happy Camp, via Some's Bar, with service to all intermediate points, and to consolidate the same with the remainder of applicant's system hereinabove described. The proposed time schedules and route between the points to be served are shown in Exhibit "B" attached to the application herein.

A public hearing was held on this application before Examiner Johnson in Eureka on December 19, 1932.

Smith's Auto and Stage Lines, operating between Orleans and Some's Bar, a portion of the proposed route of applicant, withdrew opposition to this application just prior to the hearing. At the hearing there was no protest whatsoever. It is our opinion that the application should be granted.

B.P. Mc Connaha 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.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by B.P. Mc Connaha of an automotive passenger stage service for the transportation of passengers, baggage and express between Willow Creek and Weitchpec, via Hoopa; and between Orleans and Happy Camp, via Some's Bar, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to B.P. Mc Connaha as an extension and enlargement of

the operating rights granted by Decision No. 24786, dated May 23, 1932, on Application No. 17991 and with which rights it is hereby consolidated and unified, 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 (5) days' notice to the Commission and the public, time schedules, according to form provided in General Order No. 83, 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 3rd day of

April 1933.

O. S. Levey
Leon Whidell
W. H. Can
M. B. Rowen
Walter Ware
Commissioners.