

Decision No. 25588.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of H.C. MILAM for certificate of  
public convenience and necessity  
to operate an automobile stage line  
service as a common carrier, between  
Julian and Brawley, in the State of  
California. )

) Application  
No. 18866.

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

H.C. Milam has made application for a certificate of public convenience and necessity to operate an automobile stage line as a common carrier of passengers and property (not in excess of 150 pounds), between Brawley and Julian, a distance of 74 miles. Applicant does not ask for local service between Brawley and Kane Springs inclusive, which is now served by Pacific Greyhound Lines, Inc. Between Kane Springs and Julian there is no other carrier.

Applicant proposes rates as shown in Exhibit "A" attached to the application, which seem reasonable for the service to be conducted. Daily schedules between termini with schedules four days a week to Borego giving contact with Borego State Park is shown in Exhibit "B".

Applicant seeks to establish the line for the reason that mining activities have developed in the neighborhood of Julian and other points, that the State has recently opened Borego State Park for recreation purposes and it is being largely visited and, in addition, the All-American Canal project in Imperial Valley is to have its terminus near Kane Springs. Also, the service will provide an interconnecting link between Pacific Greyhound Lines, Inc. in the Imperial Valley and Julian-San Diego Stage Line, which has its terminus at Julian.

This is a matter in which a public hearing is unnecessary as the only carrier affected, Pacific Greyhound Lines, Inc. has waived all its rights under Section 50½ of the Public Utilities Act

and makes no protest. The application will be granted.

H. C. Milam 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.

#### ORDER

H.C. Milam having made application for a certificate of public convenience and necessity to establish and operate an automobile stage line for the transportation of passengers and property between Brawley and Julian via Borego,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of service as proposed herein, over and along the following route:

Via State Highway between Brawley and Kane Springs, and county highways between Kane Springs and Julian via Dry Lake, Sentenac Canyon and Banner, with the right of diverging from The Narrows to the town of Borego, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service be, and the same hereby is granted H.C. Milam therefor, provided however, that no local service shall be rendered between Brawley and Kane Springs inclusive, 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

May 1933.

C. S. Harvey

W. A. Carr

M. B. Harris

Commissioners.