

possesses a certificate to transport property between the points, as a part of his interstate service to Reno, he is not affected as applicant will serve, under contract already filed in Application No. 17443, Railway Express Agency, Inc. of Delaware only, at its rates.

This is a matter in which a public hearing is not necessary. The application will be granted.

Railway Express Agency, Incorporation, of California, 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of auto truck service for the transportation of property between Westwood and Susanville, limited to the shipments of Railway Express Agency, Incorporated, of Delaware and no other shipments, over and along the following route:

Via State highway between termini; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted Railway Express Agency, Incorporated, of California, subject to the following conditions:

1. Applicant shall file its 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 duplicate, within a period of not to exceed twenty (20) days from date hereof, time schedules, and, in triplicate, tariff of rates, such tariff to show reference to C.R.C. numbers of the tariffs of Railway Express Agency, Incorporated, of Delaware, in which the rates, rules and regulations of applicant will be found.

3. 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.

4. 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 1st day of December, 1933.

C. J. Seaman
Leon O. White
M. J. Lee

COMMISSIONERS.