

Decision No. 27140

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRANSPORT COMPANY, a)
corporation, for a certificate of)
public convenience and necessity for)
the establishment of express rates)
between Alturas, Davis Creek, Willow)
Ranch and Fairport, California, and)
Le Franc, California.)

Application No. 19226.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Applicant is an express corporation engaged in transporting property over the lines of various common carriers in this State. It seeks an order from the Commission declaring that public convenience and necessity require the operation by it of an express service for the transportation of property, (1) between Alturas on the one hand and Davis Creek, Willow Ranch and Fairport on the other, and (2) between Le Franc and San Jose.

Applicant proposes to operate over the Southern Pacific Company between the points named and to charge the rates set forth in its application.

In support of the application it is stated that the proposed service between Alturas and Davis Creek, Willow Ranch and Fairport has been requested by shippers and merchants of Alturas and the service between Le Franc and San Jose by a winery located at Le Franc. The shippers and merchants of Alturas are said to claim that they are at a disadvantage and subject to discrimination

for the reason that "store door" rates to Davis Creek, Willow Ranch and Fairport are maintained from San Francisco and other points but not from Alturas. The common carriers now serving the points here involved offer no objection to the granting of this application.

It appears that this is a matter in which a public hearing is not necessary, and that the certificate prayed for should be granted.

Applicant Pacific Motor Transport Company 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. The monopoly 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment by applicant Pacific Motor Transport Company of an express service for the transportation of property (1) between Alturas on the one hand and Davis Creek, Willow Ranch and Fairport on the other, and (2) between Le Franc and San Jose.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same is hereby granted Pacific Motor Transport Company, 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 the date hereof.
2. Applicant shall file, in triplicate, within a period not to exceed twenty (20) days from the date hereof, tariff of rates as set forth in the application.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15th day of October, 1934.

Leon A. White
W. J. Linn
M. B. Harris
Walter F. Harris
Frank R. Harris
Commissioners.