

Decision No. 27525.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of  
PACIFIC MOTOR TRANSPORT COMPANY  
for a certificate of public convenience and necessity for the  
extension of its express operations to, from and between points  
on the line of Visalia Electric  
Railroad Company.

Application No. 19607.

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 extension of its operations to, from and between all points served by the Visalia Electric Railroad Company. The rates to be charged for the proposed service are set forth in an exhibit attached to the application.<sup>1</sup>

In support of the application it is stated that the proposed service has been requested by shippers and receivers of freight located at points served by the Visalia Electric Railroad Company who are anxious to secure service similar to that now rendered by applicant to and from points nearby. The common carriers now serving the points here involved exclusive of Exeter, which applicant now serves, have stated in writing that they have no objection to the granting of the application.

It appears that this is a matter in which a public hearing

<sup>1</sup>

By supplemental application authority to employ Pacific Motor Trucking Company to perform store-door pickup and delivery service for applicant was also sought. By letter dated November 2, 1934, applicant stated however that the supplemental application might be disregarded.

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) from, to and between points served by the Visalia Electric Railroad Company and (2) between points now served by applicant, on the one hand, and points served by the Visalia Electric Railroad Company on the other.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it 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.

IT IS HEREBY FURTHER ORDERED that the supplemental application be and it is hereby denied without prejudice.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of November, 1934.

Leon A. White

W. H. C. C.

M. B. Jones

W. H. C. C.

Commissioners.