

Decision No. 28738

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HUNTINGTON STAGE LINES, INC., for a
Certificate of Public Convenience and
Necessity to operate motor vehicles for
the Carriage of Passengers, Express and
Freight between Fresno, California, and
Dinkey, California, by an extension
from Ockenden or Shaver Lake Heights to
Dinkey.

)
Application No. 20467.
)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this application Huntington Stage Lines, Inc., has applied for a certificate of public convenience and necessity for the transportation of passengers, baggage, express and freight as a highway common carrier for compensation between Fresno and Dinkey by an extension from either Ockenden or Shaver Lake Heights. Applicant is now conducting an operation between Fresno and Florence Lake and all intermediate points via Ockenden and Shaver Lake Heights under authority heretofore granted by the Commission.

The service herein proposed to Dinkey is a twice-weekly seasonal service between the dates of May 15 and June 15 of each year; a daily service except Sunday, between June 15 and September 1 of each year; and a twice-weekly service between September 1 and October 15 of each year.

The applicant alleges as justification for the granting of the certificate herein applied for, that there is no authorized service whatsoever being rendered between Fresno and Dinkey, and that public convenience and necessity require that a service be established adequate to take care of the needs of campers, hikers,

travellers and other passengers, and their baggage, express and freight.

Applicant further alleges that public convenience and necessity require the service proposed between May 15 and October 15 of each year, and that except for the period mentioned in the application, access to and between the points referred to is generally impossible, and for the further reason that for periods other than the period mentioned herein little or no business will be offered between said points.

This does not appear to be a matter in which a public hearing is necessary and the application will be granted.

Huntington Stage Lines, Inc. 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.

C R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the seasonal operation by Huntington Stage Lines, Inc. of an automotive service for the transportation of passengers, baggage, express and freight as a common carrier for compensation between Ockenden and/or Shaver Lake Heights and Dinkey between

the approximate dates May 15 and October 15 of each year, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and it is hereby, granted to Huntington Stage Lines, Inc. as an extension and enlargement of applicant's present operating right between Fresno and Florence Lake and intermediate points and not as a new or separate operating right, subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.

2. Applicant shall begin the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad Commission and the public a tariff or tariffs constructed in accordance with the requirements of the Railroad 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 in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.

3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five days' notice to the Railroad 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 obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 20th day of April, 1936.

M B Lavin
Leon O'Connell
M A Linn
Walter J. ...
Frank ...
COMMISSIONERS.