

**ORIGINAL**Decision No. 29139

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC GREYHOUND LINES, INC., a  
corporation, for authority to  
abandon its operative rights and  
route between Sacramento and Winters,  
California, as transferred to it by  
Decision No. 29056 on Application  
No. 20682.

Application No. 20760

In the Matter of the Application of  
Monticello Utility Corporation for  
a Certificate of Public Convenience  
and Necessity, to Operate a Passenger  
Stage Service, as a common carrier of  
Passengers, Baggage and Express, be-  
tween Sacramento and Winters, via Davis  
Junction and all intermediate points.

Application No. 20762

BY THE COMMISSION:

O P I N I O N

Pacific Greyhound Lines, Inc., seeks authority of this Commission to abandon all its service for the automotive transportation, as a common carrier of passengers, baggage and express between Sacramento and Winters via Davis, as acquired under Decision No. 29056, dated August 17, 1936, on application No. 20682.

In justification of the granting of the authority herein sought, applicant alleges that through the above numbered decision there was acquired an operating right duplicating present rights of applicant insofar as service between Sacramento and Winters Junction is concerned, and, that in order to continue the operation between Winters Junction and Winters, applicant would be required to perform a short stub service independent of system schedules under conditions, and at an expense which would cause applicant substantial loss.

Monticello Utility Corporation applies herein for a certificate of public convenience and necessity to operate an automotive transportation service as a common carrier of passengers,

baggage and express between Sacramento and Winters via Davis Junction and all intermediate points as an extension and enlargement of applicant's existing rights between Napa and Winters via Monticello and certain intermediate points and to be consolidated therewith subject to specific restrictions hereinafter set forth.

Pacific Greyhound Lines, Inc., having made application for authority to surrender a certain operating right in the territory above set forth, Monticello Utility Corporation now offering in its application to conduct a similar service in connection with other operating rights now held by it, justifies the instant application on the aforementioned grounds and further alleges that the granting of authority requested will result to the public in the obtaining of an adequate service, not only between all points on its lines but also from Winters to Sacramento without transfer.

Applicant's contentions appear to be justified and the complementary nature of the authority sought indicates a unified handling for decision as expeditious.

These do not appear to be matters in which a public hearing is necessary. The applications will be granted.

Monticello Utility Corporation 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.

#### O R D E R

IT IS HEREBY ORDERED that Pacific Greyhound Lines, Inc., be, and it is, hereby authorized to discontinue and abandon its automotive transportation service as a common carrier of passengers,

baggage and express between Sacramento and Winters via Davis as acquired under Decision No. 29056, dated August 17, 1936, and said Decision No. 29056 is hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that Pacific Greyhound Lines, Inc., shall file within thirty (30) days from the effective date hereof and on not less than ten (10) days' notice to the Railroad Commission and the public, a supplement to its tariff and a time schedule showing abandonment of service as authorized.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Monticello Utility Corporation of a common carrier automotive service for the transportation of passengers, baggage and express between Sacramento and Winters via Davis Junction and all intermediate points, as an extension and enlargement of applicant's present operating rights, and to be consolidated therewith subject to the following restrictions:

A. No passengers, baggage or express to be discharged or picked up east of Winters Junction (junction of State Highway Routes 6 and 7 approximately two miles west of Davis Junction), unless such passengers, baggage and express originate at, or are destined to, points west of Winters Junction.

B. The right to transport express is subject to the restriction that no single package shall be accepted for shipment that weighs in excess of one hundred (100#) pounds, and all express must be transported on passenger vehicles only.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to Monticello Utility Corporation 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 commence 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 (10) days' notice to the Railroad 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, 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 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 28<sup>th</sup> day of

September, 1936.

W. B. Harris  
Leon A. Hill  
W. A. Cui  
Arthur H. Mason

COMMISSIONERS