

Decision No. 30258

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
D. MOYERS for a certificate of public )  
convenience and necessity to trans- )  
port passengers, baggage and express )  
between Madera and Friant and to con- )  
solidate same with remainder of )  
Applicant's system. (

Application No. 21052

BY THE COMMISSION:

ORIGINAL

O P I N I O N

By this application D. Moyers, operating under the name and style of Moyers Stages, seeks an order from this Commission granting him a certificate of public convenience and necessity to establish and operate a common carrier automotive service for the transportation of passengers, baggage and express between Madera and Friant via Pole Line Road as an extension and enlargement of his existing operative rights and consolidated therewith.

As justification for the granting of the certificate sought herein applicant alleges that construction of the Friant Dam of the Central Valley Water Project, on the San Joaquin River in the vicinity of Friant, is about to commence and that he has received requests to operate the service herein requested to meet such construction demands.

No other common carrier is operating between the points proposed to be served by the applicant.

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

D. Moyers 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by D. Moyers of a common carrier automotive service for the transportation of passengers, baggage and express as a passenger stage corporation as such is defined in Section 2-1/4 of the Public Utilities Act between Madera and Friant via the Pole Line Road as an extension and enlargement of his existing rights and consolidated therewith subject to the following restriction:

1. In the handling of express 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, except as to property transported for or through the agency of Railway Express Agency, Inc., and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restriction as to weight and vehicles shall not apply.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to D. Moyers, operating under the name and style of Moyers Stages, 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 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 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, a time schedule or 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 ten (10) days from the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of October, 1937.

Arthur H. Brown  
Leon A. White  
Frank R. Brown  
Robert W. Brown  
Paul J. Deery  
COMMISSIONERS