

Decision No. 31311

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
STEVE ABGAROFF for certificate of )  
public convenience and necessity to ) Application No. 21125  
operate a passenger line between the )  
towns of Dunsmuir, California, and )  
Kennett, California. )

STEVE ABGAROFF, in propria persona

ANSEL W. WILLIAMS, JR., for Pacific Greyhound  
Lines, Interested Party.

WHITSELL, Commissioner:

O P I N I O N

By this application as amended Steve Abgaroff, an individual, seeks authority to establish and operate an automotive service as a common carrier of passengers and their baggage between Dunsmuir, on the one hand, and what is known as Government Camp<sup>1</sup> on the other hand.

Pacific Greyhound Lines stated that they would not oppose the granting of this application as amended.

Public hearing in this matter was conducted at Redding on March 29, 30 and 31, 1938, testimony taken, the matter submitted, and it is now ready for decision.

Applicant Abgaroff took the stand in his own behalf and testified that he had had four years experience in the operation of a taxi-cab in Dunsmuir and that he was willing and able financially to carry on his proposed operation. Two round trips daily would be operated, he stated, leaving Dunsmuir at 7:10 a.m. and 12:30 p.m.

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1. Federal Government Construction Camp building in connection with the Shasta Dam section of the Central Valley Water Project.

with return trips from Government Camp scheduled to leave at 9:30 a.m. and 5:00 p.m. He further testified that for the time being he would operate a 7-passenger Cadillac sedan in this service and should conditions warrant applicant will put in operation a 28-passenger bus. A fare of \$1.20 one way is to be assessed.

The testimony of four public witnesses in support of this applicant was placed in the record. Sightseeing possibilities of this service for tourists, visitors and residents were stressed by these witnesses and they likewise testified that it was their belief that a considerable number of the men to be stationed at Government Camp would house their families in Dunsmuir because of the superior climatic conditions there, i.e., cool mountain climate contrasted with the heat of the valley location of the Camp. Considerable traffic, they believed, would develop from the visits of these men to their families and vice versa. It was their contention also that out of Dunsmuir's 4,000 population a certain percentage would seek and obtain employment of the Shasta Dam Project and would be in need of transportation facilities to and from work. In addition, they felt that a number of fishermen and hunters among the employees at the Dam, as well as others from points further away, would avail themselves of the opportunity afforded by Abgaroff to gain access to the fishing and hunting grounds in and around Dunsmuir.

While I am aware that the traffic possibilities indulged in by these supporters of this service are conjectural and based on speculation and while I am, also, aware that in so far as sightseers are concerned the limited right sought by applicant will not be conducive to development of this type of travel, I feel constrained, in view of the evident sincerity of this operator, to afford him the opportunity to pioneer, as it were, in the development of this particular public service. He is well-known in his community and has had experience in the handling of passengers as a taxi operator

and appears willing and able to devote time and effort in an attempt to serve as a connecting link between Dunsmuir and Government Camp for the benefit of those members of the public desirous of using this service.

I recommend that the application as amended be granted and suggest the following form of order.

Steve Abgaroff 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 Steve Abgaroff, an individual, of a common carrier automotive service for the transportation of passengers and baggage as a passenger stage corporation as such is defined in section 24 of the Public Utilities Act between Dunsmuir, on the one hand, and the boundary line of Government Camp via U. S. Highway 99 between termini.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to Steve Abgaroff, subject to the following conditions:

appl. 21125

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 120 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 120 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 twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26<sup>th</sup> day of September, 1938.

Rogers Wahyung  
Leon A. Kilday  
Frank R. Hill  
Ray L. Riley  
Commissioners.