

Decision No. 31438

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of George Dobbins for certificate)
of public convenience and necessity)
to operate freight, express and)
passenger service between Marysville)
and Fawn Lodge. Minersville)

Application No. 22266

BY THE COMMISSION:

O P I N I O N

By this application, as amended, George Dobbins, an individual, seeks a certificate of public convenience and necessity to operate as an automotive carrier of passengers and property between Minersville and Fawn Lodge and intermediate points, via Lewiston, a distance of twenty miles.

Applicant proposes one round trip daily between termini, leaving Minersville at 8:00 A.M., arriving at Fawn Lodge at 9:30 A.M., with a return trip leaving Fawn Lodge at 10 a.m., arriving at Minersville at 1:00 P.M. A 1938 Ford "Cab Express" vehicle of one-ton capacity and containing seats for three passengers will be used in this service. Rates and fares to be assessed and rules and regulations therefor are as set forth in exhibits attached to and made a part of the application.

Applicant Dobbins is at present the star route mail contractor between Minersville and Fawn Lodge and intermediate points and alleges, as justification for the granting of the authority sought, that the people living along this star route have no common carrier transportation service available to them for either their own travel or the movement of necessities. He further alleges that there exists a lack of private means of

conveyance which inflicts a hardship upon all residents of this territory. Amplifying his allegations, applicant further states that he will handle an average of one passenger per month from Minersville to Fawn Lodge, and not more than four or five passengers per month from other points along the line. With respect to the property available for transportation, applicant anticipates an amount not in excess of 250 pounds per week.

All shipments, he states, will originate at Fawn Lodge. Incoming freight will be destined either to Lewiston or Minersville and outgoing freight will be destined to Fawn Lodge. Applicant will not maintain connecting services with other carriers but has arranged that Redding-Weaverville Stage (which serves Fawn Lodge from Redding) will bill all incoming freight routed to points on his line to Fawn Lodge where he will pick it up. Conversely outgoing freight will be billed to Fawn Lodge care of Redding - Weaverville Stage Company for transshipment at that point.

The facts available to the Commission in this application are not indicative of a particularly substantial operation but are persuasive of a finding that public convenience and necessity require the establishment of this service when considered in conjunction with applicant's status as a star route operator. We believe that the service proposed will fill a definite, though limited, public need in this territory now without regular common carrier service. Applicant, as the mail operator, appears well fitted to provide and perform this service with a reasonable opportunity for success.

Under these circumstances a public hearing does not appear necessary. The application will be granted.

George Dobbins 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 George Dobbins of an automotive service as a passenger stage corporation as such is defined in section 2 $\frac{1}{4}$ of the Public Utilities Act for the transportation of passengers and their baggage, and as a highway common carrier as such is defined in section 2 $\frac{3}{4}$ of the Public Utilities Act for the transportation of property between Minersville and Fawn Lodge and intermediate points via Lewiston.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to George Dobbins 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.

6. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

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

Dated at San Francisco, California, this 5th day of November, 1938.

Rafael...
Francis...
Chas. L. Riley
COMMISSIONERS