

Decision No. 32482

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SANTA FE TRANSPORTATION COMPANY for a)
certificate of public convenience and)
necessity to operate service as a common)
carrier between Riverside and Blythe, via)
San Bernardino, and intermediate points,)
for the transportation of newspapers.)

Application No. 22746

BY THE COMMISSION:

O P I N I O N

In this application Santa Fe Transportation Company, a corporation, requests a certificate of public convenience and necessity for the automotive transportation of newspapers, as a passenger stage corporation, between Riverside and Blythe and intermediate points, via Colton, San Bernardino, Redlands, Beaumont, Banning, Indio and Desert Center.

As justification for the authority sought applicant alleges that:

The territory between Riverside and Blythe is mostly a bleak and desert form of country. The inhabitants thereof are few and far between. That the present newspaper service reported by the publishers of newspapers at Riverside and other places is not in all respects efficient, and applicant has been requested to perform the proposed service for the carriage of newspapers and no other traffic or commodities between Riverside and Blythe and intermediate points.

It is proposed that the services to be provided will be as shown in the time schedules and will be on the equipment of

Santa Fe Trail Transportation Company which is engaged in the interstate transportation of passengers and express over the route between Riverside and Blythe.

We are of the opinion that a hearing is not necessary in this matter and that there is a public need for the authority sought.

Santa Fe Transportation Company 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 Santa Fe Transportation Company, a corporation, of an automotive service as a passenger stage corporation, as defined in section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of newspapers only as express matter to be transported on passenger carrying vehicles between Riverside and Blythe and intermediate points, via Colton, San Bernardino, Redlands, Beaumont, Banning, Indio and Desert Center.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Santa Fe Transportation Company, subject to the following conditions:

1. Applicant shall within thirty (30) days from the effective date hereof file its acceptance of the certificate herein granted.
2. Applicant shall publish and file, in triplicate, with the Railroad Commission and make effective within thirty (30) days from the effective date hereof, on not less than five (5) days' notice to the Railroad Commission and the public, a tariff of rates, rules and regulations covering the service herein authorized, such tariff to be in a form satisfactory to the Railroad Commission.
3. Applicant shall publish and file, in duplicate, with the Railroad Commission, and make effective within thirty (30) days from the effective date hereof, time schedules in its own name and 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 thereto 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 in conformity with the Commission's General Order No. 93, or otherwise satisfactory to the Railroad Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 24th day of
October, 1939.

Raymond P. ...
Walter ...
Ray R. ...
...
Justin J. ...
COMMISSIONERS