

Decision No. 33086

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BEACON TRANSPORT COMPANY for a certificate of public convenience and necessity for the transportation of property between Barstow and Death Valley via Baker and all intermediate and off route points. On call service from Ludlow and Crucero to Baker and Death Valley. No local service between Barstow and Baker.

In the Matter of the Application of BEACON TRANSPORT COMPANY for a certificate of public convenience and necessity to operate passenger, baggage and express between Barstow and Death Valley via Baker and all intermediate points.

In the Matter of the Application of BEACON TRANSPORT COMPANY for a certificate of public convenience and necessity for the transportation of property--for the transportation of passengers, baggage and express between Bishop and Bishop Creek. On call service to Laws--for points beyond Bishop.

ORIGINAL

Application  
No. 23331

HUGH GORDON, for Applicant.

WILLIAM MEINHOLD, for Southern Pacific Company  
and Pacific Motor Trucking Company,  
Interested Parties.

PHIL JACOBSON, for Western Truck Lines, Ltd.,  
Interested Party.

ALBERT L. JOHNSON, for National Park Service,  
Interested Party

BY THE COMMISSION:

INTERIM OPINION

Guy S. Alexander, doing business as Beacon Transport Company, in this application, as amended, is requesting a certificate of public convenience and necessity authorizing the establishment and operation of an automotive common carrier service for the transportation of

passengers, baggage, express and freight between Laws, on the one hand, and South Lake, Lake Sabrina, and North Lake, on the other hand, and intermediate points, via Bishop, Parcher's Camp and Camp Sabrina, subject to certain restrictions as more specifically here-  
(1)  
inafter described.

A public hearing thereon was had before Commissioner Craemer and Examiner Paul, at Bishop, on April 26, 1940, at which time the matter was taken under submission and is now ready for decision.

Southern Pacific Company, Pacific Motor Trucking Company, Western Truck Lines, Ltd., and the National Park Service appeared as interested parties but offered no objection to the granting of the authority requested.

Applicant's proposal is as follows: For the transportation of passengers, baggage and express a scheduled daily except Sunday service will be provided between Bishop and Parcher's Camp, via North Fork Junction. Between North Fork Junction and Camp Sabrina and North Lake and to and from South Lake, which is beyond Parcher's Camp, and to and from Laws an on-call service will be operated. Service for the transportation of freight will be operated on Tuesdays, Thursdays and Saturdays. Service is to be provided seasonally between approximately April 1 and November 15 of each year. From approximately November 15 of each year to April 1 of the following year applicant will provide

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(1) In the application, applicant also requests a certificate for the transportation of passengers and property between Barstow and Death Valley and between Ludlow and Crucero, on the one hand, and Death Valley, on the other hand. A public hearing thereon was had on March 15 and 25, 1940, before Commissioner Craemer and Examiner Gorman, at which time that portion of the application was submitted for a separate decision.

an on-call passenger service, if a minimum of two full fares are purchased. The express and freight service will be provided on call during such season for a minimum of five hundred pounds of express or a minimum of one thousand pounds of freight. Such on-call service will be provided depending on road and weather conditions. It is not proposed to provide any local service between Laws and Bishop.

For use in the proposed service applicant has available one 1938 Station Wagon of 8-passenger capacity, one 1936 Ford Truck of  $1\frac{1}{2}$ -ton capacity, and one 1934 White Truck of  $2\frac{1}{2}$ -ton capacity.

Five public witnesses testified in support of the application. It was stipulated that the testimony of five other persons, if called, would be substantially the same as those who testified. These witnesses are engaged in various enterprises at Bishop and other points involved herein.

Mr. W. C. Parcher testified that he operates a mountain camp known as Parcher's Camp located near the headwaters of Bishop Creek which is equipped with guest cabins to accommodate about fifty people. These cabins during the summer season are generally filled. He further testified that during the summer season approximately eight thousand people visit the Bishop Creek district; that there are other camps in the same district which will accommodate approximately two hundred people; and that situated nearby are many privately owned cabins. He also stated that he has had many inquiries from persons in regard to common carrier transportation facilities to and from his camp which are not now available. He has a need for a service for the transportation of supplies used at such camp which he is now required to haul by his own vehicles. His camp

is located at an elevation in excess of nine thousand two hundred feet, lying on the easterly slope of the Sierra Nevada Mountains.

Mr. W. G. Wade, general superintendent of the Interstate Telegraph Company, which is a subsidiary of the Nevada - California Electric Corporation, testified that the electric corporation maintains and operates five generating plants along Bishop Creek in which about sixty men are employed. He stated that his company has occasions to make numerous shipments to those plants and that it has a need for a type of service such as that proposed herein.

Based upon a full consideration of this record we are of the opinion that there is a public need for the establishment and operation of an automotive service between Laws and Bishop Creek points and recommend that a certificate therefor be granted.

Beacon Transport Company is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalised 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.

#### INTERIM ORDER

A public hearing having been had upon that portion of the above-entitled application requesting a certificate between Laws, Bishop and points near the headwaters of Bishop Creek and intermediate points, and the Commission now being fully informed therein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY  
DECLARES that public convenience and necessity require the establish-  
ment and operation by Guy S. Alexander of an automotive service for  
the transportation of passengers, baggage and express, as a passenger  
stage corporation, as such term is defined in section 2 $\frac{1}{4}$  of the Public  
Utilities Act, and for the transportation of property as a highway  
common carrier, as such term is defined in section 2-3/4 of the Public  
Utilities Act, between Laws, on the one hand, and South Lake, Lake  
Sabrina and North Lake, on the other hand, and intermediate points,  
via Bishop, North Fork Junction, Parcher's Camp and Camp Sabrina,  
subject to the following provisions:

1. No local service shall be provided between Laws and Bishop and intermediate points, and service to and from Laws may be provided on call.
2. Service between North Fork Junction and Lake Sabrina and North Lake and intermediate points may be provided on call.
3. Seasonal service shall be provided between approximately April 1 and approximately November 15 of each year, provided that service on call may be rendered between approximately November 15 of each year and approximately April 1 of the following year, for the transportation of passengers upon the purchase of a minimum of two (2) full fares; for the transportation of express for a minimum of shipments aggregating five hundred (500) pounds in weight; and for the transportation of freight for a minimum of shipments aggregating one thousand (1000) pounds in weight.
4. No shipment of express may be transported weighing in excess of two hundred (200) pounds and all such shipments shall be transported on passenger carrying vehicles only.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Guy S. Alexander, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
3. 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 in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.
4. Applicant shall file, in triplicate, 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 (5) 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.
5. 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.
6. 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.
7. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all the provisions of the Commission's General Order No. 91.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of  
 May, 1940.

*Ray L. Wiley*  
*James A. Kelly*  
*Raymond W. ...*  
*John ...*  
*Justus J. ...*  
 COMMISSIONERS