

Decision No. 33144

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MONTICELLO UTILITY CORPORATION, a cor-
poration, for a certificate of public
convenience and necessity to operate
passenger, baggage, freight and express
service between Monticello and Knoxville,
Napa County, California, and intermediate
points, as an extension and enlargement
of applicant's present operative rights
and to be consolidated therewith.

Application No. 23363

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this application, as amended, Monticello Utility Corporation, a corporation, requests the Commission to issue an order granting to applicant a certificate of public convenience and necessity for the transportation of passengers, baggage, express and freight, between Monticello and Knoxville and intermediate points, all in Napa County. The transportation of express is to be limited to packages weighing not to exceed one hundred (100) pounds and all such packages are to be transported on passenger vehicles.

Applicant and its predecessor in interest have for many years been providing an automotive common carrier service between Napa and Monticello and Winters and intermediate points, which more recently has been extended from Winters to Sacramento. Under its present operative rights, applicant is transporting passengers and property between Napa and Monticello and Winters, while between Winters and Sacramento its right is limited to the transportation

of passengers, baggage and express, provided that such express is limited to packages weighing not more than one hundred (100) pounds, which must be transported on passenger carrying vehicles.

Applicant proposes to provide one weekly round trip between Monticello and Knoxville. The fares to be charged are those set forth in Exhibit "A," attached to the application. The distance between Monticello and Knoxville is approximately twenty-two miles; the one-way fare to be charged is \$1.00. Fares between other points are to be on a comparable basis. From the amended application it is indicated that the rates to be charged for the transportation of freight will be the minimum rates established by the Railroad Commission for those commodities on which minimum rates have been established. The rates for the transportation of express are those set forth in the second amended application herein.

As justification for the authority sought, applicant avers that there are no common carriers of passengers or property operating between the points it seeks to serve; that in the vicinity of Knoxville four quicksilver mines recently have been developed; that facilities are required for the transportation of supplies and equipment for such mines, miners, employees and other persons, and for the transportation of passengers and baggage to and from Knoxville; and, that because of the lack of common carrier facilities, there is a need for the service proposed by applicant.

There being no other carriers operating between the points herein proposed to be served, it appears that a public hearing in this matter is not necessary. We are of the opinion that there is a need for the transportation of passengers, baggage, express and freight between Monticello and Knoxville and intermediate points and the request for a certificate therefor will be granted.

Monticello Utility Corporation 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 Monticello Utility Corporation, a corporation, of an automotive service for the transportation of passengers, baggage and express, as a passenger stage corporation, as such term is defined in Section 2-1/4 of the Public Utilities Act, and for the transportation of freight as a highway common carrier, as such term is described in Section 2-3/4 of the Public Utilities Act, between Monticello and Knoxville and intermediate points, as an extension and enlargement of the operative right heretofore created by Decision No. 18381, dated May 18, 1927, on Application No. 12362, provided that the transportation of express shall be limited to packages weighing not more than one hundred (100) pounds each on passenger vehicles.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Monticello Utility Corporation, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all of 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.

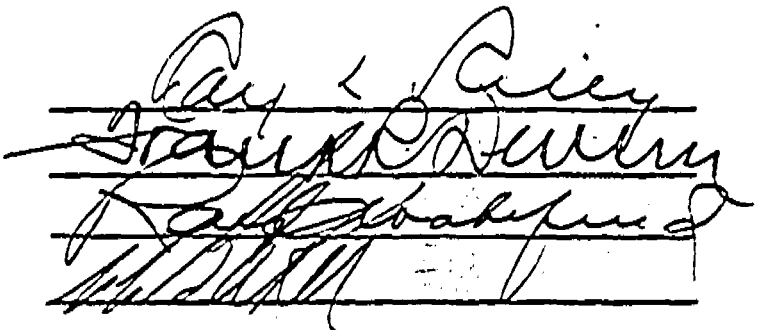
5. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

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 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 28th day of May, 1940.



COMMISSIONERS