

Decision No. 23957

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DENNIS PETTAS for certificate of public)
convenience and necessity to operate)
an automotive service for the transpor-)
tation of passengers service between)
Pittsburg and Hickmott Canning Co.,)
Western California Cann~~e~~rs and Calif-)
ornia Packing Co., at or adjacent to)
Antioch, Calif.)

Application
No. 23957

ORIGINAL

BY THE COMMISSION:

O P I N I O N

(1)

This is an application by Dennis Pettas, an individual, for an order of this Commission authorizing him to establish and operate a common carrier automotive service for the transportation of passengers between Pittsburg, California, on the one hand, and the Hickmott Canning Company, the Western California Cann~~e~~rs, and the California Packing Company at or adjacent to Antioch, California, on the other hand.

Applicant proposes no intermediate service between Pittsburg and Antioch and will limit his operations to the canning seasons only and will transport only those persons going to or coming from the canneries named above.

(1) He also possesses a certificate of public convenience and necessity to transport passengers between Pittsburg and the industrial district east thereof, and also between Pittsburg and Pittsburg High School, as defined and restricted in Decision Nos. 13966 and 19960, on Applications Nos. 9766 and 14751, respectively.

A ten cent one-way fare is to be assessed for this service, which will be operated on call.

Pettas is now in partnership with H. Coniglio and G. Buffo, operating in substantially the same manner as proposed above. There is now pending before the Commission an application (No. 23956) whereby Pettas and Coniglio seek authority to transfer their operative right interests to G. Buffo. Coniglio is withdrawing from the transportation business entirely, but both Buffo and Pettas desire to continue to serve the canneries. However, they wish to do this as individual operators rather than in a co-partnership relationship. Buffo is agreeable to Pettas remaining in the field as an individual operator.

In granting the original certificate to Buffo, Coniglio and Pettas, the Commission in its Decision No. 29176 commented thus:

"The situation herein is peculiar to the locale and concerns the need of furnishing transportation for cannery workers from their homes, either in Pittsburg or Antioch, to the various canneries located in the town of Antioch.

"The operation of a cannery is dependent entirely on the quantity and arrival time of raw materials at the plants and once such material has been started through the routine of the canning process it devolves upon the operators to continue work until the supply of material has been disposed of. This varies from day to day thus engendering irregular hours of arrival and departure of workers.

"Under these circumstances it is highly important that transportation facilities be available at practically any hour of the day and night and in addition requires that the carrier be one either in close contact with the cannery employers or one very familiar with the general routine followed in the industry."

Both Buffo and Pettas are qualified operators in this respect and the only difference in service engendered by this

proposed application will be to allow an individual, rather than a co-partnership basis of operation. This would appear to be more satisfactory for all concerned and in consideration of the particular needs of the canneries involved, will serve to provide an even more adequate and flexible service than heretofore obtained.

Therefore, there appears no reason why the instant petition should not be favorably considered. The public interest appearing to be subserved thereby, a public hearing does not appear necessary and the application will be granted.

Dennis Pettas 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

IT IS ORDERED that a certificate be and it hereby is granted to Dennis Pettas for the establishment and operation of an automotive passenger stage service, as that term is defined in section 2 $\frac{1}{4}$ of the Public Utilities Act, for the transportation of passengers between Pittsburg, California, on the one hand, and the canneries of the Hickmott Canning Company, the Western California Cannery and the California Packing Company located in or adjacent to Antioch, California, on the other hand, subject to the following restrictions:

1. Transportation of passengers shall be limited to persons going to or coming from the canneries hereinabove named.
2. Service shall be rendered only during the canning seasons.

IT IS FURTHER ORDERED that in the operation of said passenger stage service pursuant to the foregoing certificate, Dennis Pettas shall comply with and observe the following service regulations:

1. 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.
2. Subject to the authority of this Commission to change or modify such at any time by further order, Dennis Pettas shall conduct said passenger stage operation over and along the following described routes:

State Routes Nos. 4 and 24 and connecting highways between termini.

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 from 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.

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

Dated at San Francisco, California, this 11th day of ~~February~~ ^{March}, 1941.

W. B. Baker

Ray & Riley
Justin J. Cooney
Francis R. Havenner
COMMISSIONERS