

Decision No. 36592

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
 D. MOYERS, dba MOYERS STAGES, for a }
 certificate of public convenience and }
 necessity to transport passengers, }
 baggage and express between Clovis in }
 Fresno County and Mt. Owens Range in }
 Fresno County, and to consolidate same }
 with remainder of applicant's system. }

ORIGINAL

Application No. 25762

BY THE COMMISSION:

O P I N I O N

Among his present passenger stage operations D. Moyers provides a service between Fresno and Friant via the United States Army Air Base, known as Hammer Field, and Clovis.

In the above entitled application Moyers requests the Commission to grant to him a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds between Clovis and Mt. Owens Range and intermediate points, as an extension and enlargement of his present operative rights.

It is stated in the application that Mt. Owens Range is about 8 miles northeasterly of Clovis. This range is a part of Hammer Field situated between Fresno and Clovis. The proposed fares are as follows:

Between and	Fresno	Hammer Field	Clovis
Mt. Owens Range O.W.	\$.40	\$.25	\$.15
R.T.	.70	.45	.25

Applicant proposes three round-trips daily between Fresno, Hammer Field and Mt. Owens Range. The equipment used by applicant in his operation between Fresno and Friant will be utilized in this service.

extension and enlargement of the operative right heretofore created in support of the authority sought applicant alleges that the officers in charge of Hammer Field have requested him to establish the proposed service. The range at Mt. Owens has been established for the training of army personnel and it is stated that this personnel is in need of a public transportation service which is not now available. For said operative right or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such operative right.

IT IS FURTHER ORDERED that in providing service pursuant to the foregoing certificate D. Moyers shall comply with and

D. Moyers is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in certifying for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Orders No. 7, purely permissive aspect, they extend to the holder of a 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 on the number of rights which may be given.

3rd Avenue, State Highway No. 168, Hergensrader Avenue, Shepard Rd Wolfe Avenue, Behymer Avenue and Mt. Owens Road.

An application therefor having been filed and it being found that public convenience and necessity so require Sept 7, 1943

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to D. Moyers authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2, Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of 100 pounds each and on passenger carrying vehicles only, between Clovis and Mt. Owens Range and intermediate points as an