

Decision No. 35626

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
MORTON AIR ACADEMY for certificate )  
of public convenience and necessity )  
to operate a passenger stage service ) Application No. 25779  
as a common carrier between Blythe, )  
California and Morton Air Academy of )  
Blythe, California. )

**ORIGINAL**

BY THE COMMISSION:

**O P I N I O N**

Morton Air Academy of Blythe, California, has filed an application requesting a certificate of public convenience and necessity for the transportation of passengers between Morton Air Academy and Blythe, a distance of approximately seven miles.

The Commission, on August 11, 1942, issued a certificate to Melvin Williams authorizing the identical operation proposed in the instant application. Williams subsequently advised the Commission that he did not intend to accept the certificate and on September 18, 1942, requested its revocation. The Williams certificate will, therefore, be revoked and annulled.

Applicant alleges that Morton Air Academy is engaged in training aviators for the United States Government. In this connection a large staff of army and civilian employees is located at said Academy, and it is necessary that they have means of public

---

(1) Decision No. 35673, on Application No. 25114.

transportation into the city of Blythe, which is the closest residence community to the Academy. No other means of public transportation is now available.

The proposed one way fare is ten cents with the cost of commutation books fixed at \$5 for 52 rides. The equipment proposed to be used by applicant consists of one large passenger bus. The service is direct between the points, with no stops en route.

We believe the proposed service is in the public interest, and will facilitate the transportation of students and employees between the Academy and Blythe. At the same time it will effect a saving in the use of private automobiles. The application will, therefore, be granted. Public hearing is not necessary.

Morton Air Academy 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 rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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

Application having been made as above entitled, the Commission being of the opinion and now finding that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and

necessity be and it hereby is granted to Morton Air Academy between Blythe and Morton Air Academy, located approximately seven miles northwest of Blythe, subject to the following condition:

The authority herein granted is subject to the provisions of Section 52 (b) of the Public Utilities Act and further to the condition that Morton Air Academy, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof, an amount in excess of that paid to the State as the consideration for such rights.

IT IS FURTHER ORDERED that in the operation of said passenger stage service, applicant 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. Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, conduct said passenger stage operations over and along the most appropriate route or routes.

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

Dated at Los Angeles, California, this 20<sup>th</sup> day of September, 1943.

Frank A. Havenor  
J. V. Latta  
Justin J. Casper  
Richard H. ...  
...  
 COMMISSIONERS