

Decision No. 36814

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DENNIS PETTAS, an individual doing)
business under the name of PETTAS)
AUTO STAGES, for certificate of public)
convenience to operate passenger)
service between City of Pittsburg)
(Northwest corner of 3rd Street and)
Railroad Avenue) and Camp Stoneman)
and Pittsburg Replacement Depot.)

ORIGINAL

Application No. 25601

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

By Decision No. 36379, rendered May 25, 1943, in Application No. 25601, the Commission granted to Dennis Pettas a certificate authorizing the establishment and operation of a passenger stage service between the city of Pittsburg and Camp Pittsburg and Camp Stoneman. Both of these camps are located a short distance southerly from Pittsburg. By supplemental application Pettas requests a modification of the certificate granted by said Decision No. 36379 which would authorize him to provide a passenger stage service between Pittsburg and Columbia Park. It is asserted that Columbia Park is a Federal Housing Administration project occupied by workers in war plants and civilians employed at Camp Stoneman and Camp Pittsburg who are in need of a common carrier service between the project and Pittsburg. Columbia Park is situated just south of the city limits of Pittsburg and northeasterly of and in close proximity to Camp Stoneman.

The proposed one-way fare between Pittsburg and Columbia Park is 10 cents, which is the same as the fare between Pittsburg,

on the one hand, and Camps Pittsburg and Stoneman, on the other hand.

It is stated that no other common carrier is presently providing a service to or from Columbia Park. The proposed extension of service appears to be a necessary one and the application will be granted by issuing a new certificate in lieu of that granted by said Decision No. 36379 which will be revoked. There is no need for a public hearing.

Dennis Pettas 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.

FIRST SUPPLEMENTAL ORDER

An application having been made, the Commission being fully advised therein and hereby finding that public convenience and necessity so require,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Dennis Pettas authorizing the establishment and operation of a passenger stage service, as defined in Section 24, Public Utilities Act, for the transportation of passengers between Pittsburg, Camp Pittsburg, Camp Stoneman and

Columbia Park project and intermediate points in lieu of the certificate heretofore granted by Decision No. 36379, which certificate is hereby revoked and annulled.

The foregoing certificate is granted 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 Dennis Pettas, his successors or assigns, shall never claim before this Commission, or any court or other public body, a value 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 right.

IT IS FURTHER ORDERED that in the operation of 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) 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 it at any time by further order, applicant shall conduct said passenger stage service over and along the following route:

Beginning at the intersection of East Third Street and Railroad Avenue, Pittsburg, thence southerly on Railroad Avenue to the entrances of Camp Pittsburg and Camp Stoneman, returning northerly on Railroad Avenue approximately one-half block to a county road, thence easterly on said county road to a county road which is a continuation of Harbor Avenue of Pittsburg, thence northerly on said county road to East Tenth Street, thence westerly to the intersection of East Tenth Street and Railroad Avenue.

- (4) Applicant may turn his motor vehicles at termini or intermediate points either in the intersection of the street or by operating around a block, contiguous to such intersection, in either direction.

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

Dated at San Francisco, California, this 11th day
of January, 1944.

Richard L. Baker
J. L. Baker

Francis R. Haweman
Francis R. Haweman
COMMISSIONERS