

Decision No. 36960**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BALLARD JENKINS, doing business under)
 the firm name of JENKINS MOTOR CO.,)
 for a certificate of public convenience)
 and necessity to operate a common)
 carrier service for the transportation) Application No. 26007
 of passengers and their baggage be-)
 tween Thermal Army Air Field on the one)
 hand, and Palm Springs, San Bernardino)
 and Los Angeles on the other hand.)

BY THE COMMISSION:

O P I N I O N

This is an application by Ballard Jenkins, doing business under the firm name of Jenkins Motor Co., for authority to establish and operate service as a common carrier for the transportation of passengers between Thermal Army Air Field, on the one hand, and Palm Springs, San Bernardino and Los Angeles, on the other hand. The service is to be available only to the military personnel connected with Thermal Army Air Field.

Applicant is presently operating an "on call" charter service to and from the Field and desires to establish a regular certificated service which will meet the requirements of the military personnel. Applicant also operates a common carrier service to and from various military camps in the vicinity of Thermal Field.

It is proposed to operate a twenty-four hour "on call" service between the points involved in the application. Round-trip fares are proposed as follows:

Thermal Army Air Field to Palm Springs	\$.85
Thermal Army Air Field to San Bernardino	\$2.15
Thermal Army Air Field to Los Angeles	\$3.50

Equipment consists of twelve semi-trailer type buses and ten school buses, with additional equipment leased from the Government.

The Los Angeles Board of Public Utilities and Transportation favors the granting of the application, stipulating only that the routing within the city of Los Angeles shall be satisfactory to said Board. The application states there is no other common carrier service operating between the points proposed to be served.

After full consideration of the matter the Commission is of the opinion that public convenience and necessity will be served by the granting of the application, and that will be our order. A public hearing is not deemed necessary.

Ballard Jenkins 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 in the above-entitled matter, and the Commission being duly advised, and hereby finding that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Ballard Jenkins authorizing operation as a passenger stage corporation, as defined in Section 24, Public Utilities Act, for the transportation of passengers and their baggage between Thermal Army Air Field, on the one hand, and Palm Springs, San Bernardino and Los Angeles, on the other hand, and 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 Ballard Jenkins, 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 rights.

(2) That in providing service pursuant to the certificate herein granted, 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 by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following routes:

From Thermal Army Air Field west via Avenue 56 to U.S. Highway 99, thence U.S. Highway 99 to Indio, thence State Highway 111 to Palm Springs.

From Thermal Army Air Field via above route to Indio, thence continuing over U. S. Highway 99 to Colton, thence via U. S. Highway 395 to San Bernardino, thence via U. S. Highway 395 to Colton, thence via U. S. Highway 99 to Ramona Boulevard in Los Angeles, thence to Marengo Street, to Mission Road, to Macy Street, to Lyon Street, to Aliso Street, to Alameda Street, to 6th Street, to off-street terminal located on the southerly side of 6th Street, east of San Pedro Street.

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

Dated at San Francisco, California, this 28th
day of March, 1944.

Richard Sachs
Justus F. Calver
Francis R. Havens
Francis W. Calver
Israel Kanner
COMMISSIONERS