

Decision No. 37459

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLIE SNAPP for a certificate of )  
public convenience and necessity )  
authorizing establishment and operation )  
of service as a passenger stage corpo- )  
ration and a highway common carrier )  
between Etna and Gazelle and inter- )  
mediate points via Callahan and consoli- )  
dation with present operative rights. )

Application No. 26419

BY THE COMMISSION:

O P I N I O N

In the above entitled application Charlie Snapp, doing business as Snapp Auto Stage, requests the Commission to grant to him a certificate of public convenience and necessity authorizing the transportation of passengers and property as a passenger stage corporation and a highway common carrier, as such terms are defined in the Public Utilities Act, between Etna and Gazelle and intermediate points via Callahan, including all points and places within three miles laterally of the county road between termini. It is also requested that such certificate be granted as an extension and enlargement of applicant's present passenger and property operative rights between Etna and Somes Bar and intermediate points via Forks of Salmon.

In support of the authority sought, applicant alleges that there is a public need for the proposed service; that applicant is presently transporting United States mail under a contract with the post office department between Etna and Gazelle; that there is no other common carrier service between the points

involved; and alleges that the common carrier service heretofore provided by J. W. Benjamin under a certificate issued by this Commission, has been discontinued and the operative right therefor abandoned. <sup>(1)</sup> Service would be provided daily except Sundays and the rates for the transportation of property would be on the level of those established as minima by the Commission. The distance between Etna and Gazelle is 42 miles and the one-way passenger fare between these points would be \$2.50.

Applicant's experience in conducting common carrier operations in this territory extends over a considerable period of time and it appears that he is financially able and has sufficient equipment to successfully conduct the proposed operation in connection with that presently provided. In our judgment there is a public need for the service proposed and the application will be granted. A public hearing is not necessary.

Charlie Snapp is hereby 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

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(1) The Commission by its Decision No. 36045, in Application No. 25099, authorized Snapp to discontinue passenger stage and highway common carrier operations between the points involved in Application No. 26419 and granted to J. W. Benjamin a certificate between such points. Benjamin never complied with the provisions of the order of Decision No. 36045, which required the filing of tariffs and time tables, and conducted the operation for a short period of time only. In response to inquiries, the Commission was informed by Benjamin that he had discontinued the operation and requested that the certificate be revoked.

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

An application therefor having been filed and it being hereby found 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 Charlie Snapp authorizing the establishment and operation of service as a passenger stage corporation and as a highway common carrier, as such terms are defined in Sections 2 $\frac{1}{2}$  and 2-3/4 of the Public Utilities Act, respectively, for the transportation of passengers and property between Etna and Gazelle and intermediate points via Callahan over the county highway between such points, and all points and places within three miles laterally of such county highway.

(2) That the certificate granted herein is consolidated with and made a part of the present operative rights of Charlie Snapp between Etna and Somes Bar and intermediate points as created by Decision No. 31803.

(3) That in providing service pursuant to the certificate herein granted, the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
2. Applicant shall comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective, appropriate tariffs and time schedules within 60 days from the effective date hereof and on not less than 10 days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of November 1944.

Richard L. Lachs  
Justus J. Casner  
Francis R. Haven

Justus J. Casner  
COMMISSIONERS