

Decision No. 37522

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of THOBURN S.)  
HAWORTH, RUTH HEALY HAWORTH, BRYAN W. HAWORTH,)  
MARGARET HAWORTH and EMELIE HAWORTH, as co-) )  
partners doing business under the fictitious )  
name of ORANGE BELT STAGES, for a certificate )  
of public convenience and necessity to )  
operate passenger stage service, as a common )  
carrier, between Visalia, California, and )  
Woodlake, California, and the intermediate )  
point of Ivanhoe, California. )

Application  
No. 26392

BY THE COMMISSION:

O P I N I O N

In this application, Thoburn S. Haworth, Ruth Healy Haworth, Bryan W. Haworth, Margaret Haworth and Emelie Haworth, copartners doing business under the fictitious name of Orange Belt Stages, request authority to operate a passenger stage service for the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds each between Visalia and Woodlake and intermediate points.

The operative rights herein involved were originally owned by C.C. Haworth, who in turn was authorized to transfer them to Orange Belt Stages, Inc., a corporation (1) Subsequently the corporation sold its rights to Thoburn S. Haworth, Ruth Healy Haworth, Bryan W. Haworth, Margaret Haworth and Emelie Haworth, copartners (2) doing business as Orange Belt Stages, who appear as applicants herein.

(1) Decision No. 28777, on Application No. 20383, dated May 4, 1936.

(2) Decision No. 37125, on Application No. 25848, dated June 13, 1944.

Applicants now conduct a passenger stage service for the transportation of passengers, baggage and express, generally in the Porterville, Lindsay, Exeter, Visalia, Hanford area, and described with some particularity in Decision No. 37125. They are now under contract to carry the mails for the United States Government between Visalia and Woodlake, operating one vehicle for that purpose. Due to restrictions on the use of gas for private automobiles, applicants claim to have received numerous requests for transportation from residents and local civic bodies in the territory which they propose to serve.

The distance between Woodlake and Visalia is approximately fifteen miles. It is proposed to operate two round trips daily. The proposed one-way fare between termini is 25-cents, with an intermediate fare of 15-cents to and from Ivanhoe. There is no other public transportation service provided in the territory involved.

Applicants request that the certificate provide that service shall be rendered only so long as they are successful bidders for the United States Post Office Department mail contract between the points in question. Such request is based upon the contention that without the mail contract there would be insufficient revenue to justify the operation.

In view of the uncertainty of the duration of the mail contract it would appear that no time limitation should be placed upon the authorization herein granted. Instead, the matter should be reconsidered upon the filing by applicants of a supplemental petition inquiring into the need for continuance of the service when, and if, the mail contract is cancelled or not renewed.

Giving full consideration to the matter, the Commission is of the opinion that public convenience and necessity require the proposed service and that the application should be granted. It will be so ordered. A public hearing is not required.

Thoburn S. Haworth, Ruth Healy Haworth, Bryan W. Haworth, Margaret Haworth and Emelie Haworth are 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 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, and the Commission being fully advised in the premises,

IT IS ORDERED:

(I) That a certificate of public convenience and necessity is hereby granted to Thoburn S. Haworth, Ruth Healy Haworth, Bryan W. Haworth, Margaret Haworth and Emelie Haworth authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not in excess of one hundred (100) pounds each, on passenger-carrying vehicles, between Visalia and Woodlake,

California, and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

1. Applicants 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. Applicants 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 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 the Commission to change or modify it by further order, applicants shall conduct operations, pursuant to the certificate herein granted, over and along the main public highway between Visalia and Woodlake via Ivanhoe.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of December, 1944.

Richard L. Barker  
Justus F. Coe  
Francis D. Havens  
Francis D. Owen  
Chas. H. Powell  
 COMMISSIONERS