

Decision No. 37885

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
D. MOYERS, doing business as MOYERS)
STAGES, for a certificate of public)
convenience and necessity to operate)
a seasonal passenger stage service)
between Fresno and points located on)
Bass Lake and to consolidate said)
certificate with the existing certifi-)
cates of applicant.)

ORIGINAL

Application No. 26710

BY THE COMMISSION:

O P I N I O N

This is an application by D. Moyers, doing business as Moyers Stages, requesting a certificate of public convenience and necessity to operate a seasonal passenger stage service between Fresno and points on Bass Lake in the area south of Yosemite National Park, also serving points on said route intermediate between Fresno and Bass Lake. The extreme length of the route is approximately 65 miles.

Applicant proposes to transport passengers, baggage and shipments of express weighing not to exceed 100 pounds each, on passenger carrying vehicles only.

In justification for the granting of the authority sought, applicant alleges that

There are a number of resorts, places of business and private homes located on Bass Lake at or in the vicinity of points known as The Pines, Freemans Lodge, The Falls, The Forks and Wishon. The public residing in the vicinity of these places is demanding service from applicant for the transportation of passengers, baggage and express, this service to be rendered between the approximate dates of May 15 and September 15 of each year.

Applicant formerly rendered service to points on Bass Lake, operating over a route via Friant to The Pines and serving intermediate points, but, owing to the fact that the operation was not producing sufficient revenue to insure out-of-pocket operating expenses, the Commission authorized its abandonment.⁽¹⁾

It is alleged by applicant that the Friant-The Pines operation was over dirt roads which were not kept in good condition, and were "narrow, crooked and hazardous", which resulted in costly bus operation. This difficulty has now been largely overcome, by reason of improved condition of the highway through Coarsegold and Oakhurst to Bissott Corner, thence via U.S. Forest Highway 74 between Bissott Corner and Bass Lake, upon which are located the points hereinabove referred to in applicant's allegation.

Attached to the application is a statement setting forth the fares which applicant proposes to charge together with time schedules. Two daily schedules each way are proposed, leaving Fresno at 8:30 a.m. and 2:30 p.m. and leaving The Pines at 11:30 a.m. and 5:30 p.m. The single fare between these points is \$3, round-trip, \$5.40. Express rates will be in accordance with applicant's existing express tariff. The service would be inaugurated on May 15, 1945, or as soon thereafter as possible. Applicant alleges that there is no passenger common carrier service now available between the points which he proposes to serve.

It appears that the service proposed by applicant is in the public interest, and the application will be granted. There is no necessity for a public hearing.

(1) Decision No. 33146, dated May 28, 1940, in Application No. 23473.

D. Moyers 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 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.

ORDER

Application having been made as above entitled and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to D. Moyers 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 express on passenger carrying vehicles, between Fresno and Bass Lake, said service to be seasonal between approximately May 15 and September 15 of each calendar year, and to be consolidated with applicant's existing certificates, subject to the following condition:

In the transportation of express no shipment weighing in excess of one hundred pounds shall be accepted for transportation and all express shipments shall be transported on passenger vehicles only.

(2) That in the operation of said passenger stage service, D. Moyers 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, 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, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

Beginning at Fresno, over State Highway 41 to Bissott Corner via Coarsegold and Oakhurst, thence via U.S. Forest Highway 74 between Bissott Corner and Bass Lake, serving The Pines, Freemans Lodge and The Falls, on the northern boundary of Bass Lake, and The Fords and Wishon on the southern boundary of Bass Lake.

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

Dated at San Francisco, California, this 15th day of May, 1945.

David Anderson
Justice F. Creeper
Richard K. Hulse
Frank W. Elton
James H. Powell
 COMMISSIONERS