

Decision No. 37895

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
P. B. HACKLEY, JR., doing business as)
MENDOCINO TRANSIT COMPANY for authori-)
ty to transport from Santa Rosa to)
Fort Bragg express shipments, consist-)
ing of newspapers only and weighing)
not in excess of 100 lbs. each, on)
passenger-carrying vehicles and)
incidental to the transportation of)
passengers.)

ORIGINAL

Application No. 23616
Third Supplemental

BY THE COMMISSION:

THIRD SUPPLEMENTAL OPINION AND ORDER.

P. B. Hackley, Jr., doing business as Mendocino Transit Company, has been granted a certificate of public convenience and necessity authorizing service as a passenger stage corporation, for the transportation of passengers and baggage between Fort Bragg and Santa Rosa and intermediate points, exclusive of local service between Cloverdale and Santa Rosa and intermediate points. (1)

In the application before us he requests an enlargement of said certificate to include the transportation of newspapers by express, on passenger-carrying vehicles, in shipments not to exceed 100 pounds each. Applicant asserts that he has received requests for the transportation of newspapers from Santa Rosa to Fort Bragg, and that this application is filed in response to such requests.

Applicant further alleges that all of the common carriers operating in the territory have been served with copies of this

(1) Decision No. 34293, dated June 10, 1941, in amended Application No. 23616.

application. Of these, the three most directly affected are Pacific Greyhound Lines, Railway Express Agency, Incorporated, and Northwestern Pacific Railroad Company, all of whom have advised the Commission in writing that they are not opposed to the granting of the application.

It appears to us that the proposed service is in the public interest and the application will be granted. A public hearing is not necessary.

P. B. Hackley, Jr., 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.

IT IS ORDERED:

(1) That in addition to the operation authorized in the first ordering paragraph on sheet 8 of Decision No. 34293, a certificate of public convenience and necessity is hereby granted to P. B. Hackley, Jr., authorizing the transportation of newspapers on passenger-carrying vehicles, in shipments not to exceed 100 pounds each, from Santa Rosa to Fort Bragg. Said certificate is hereby consolidated with the operative right granted by said Decision No. 34293.

(2) That in all other respects said Decision No. 34293 shall remain in full force and effect.

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

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

David Rubin
Justin J. Casper
Richard L. Lusk
Franklin C. ...
W. H. ...
COMMISSIONERS