

Decision No. 37910**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOSEPH R. VIERRA, for certificate of)
 public convenience and necessity to) Application No. 26441
 operate property, passenger and)
 baggage service, between Marysville)
 and Camptonville, California.)

BY THE COMMISSION:

O P I N I O N

In this proceeding Joseph R. Vierra seeks a certificate of public convenience and necessity authorizing operation as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers, baggage and express between Marysville and Camptonville and intermediate points via Browns Valley and Dobbins, except that no local service would be provided between Marysville and Browns Valley Junction, or points intermediate thereto.

The distance between Marysville and Camptonville, according to amended Exhibit "A" attached to the application, is 40 miles. The proposed passenger fares are as follows:

MILES	BETWEEN	AND	Marysville	Browns Valley	Oregon House	Dobbins
00	Marysville		--	--	--	--
12	Browns Valley		.50	--	--	--
23	Oregon House		1.00	.50	--	--
25	Dobbins		1.25	.75	.25	--
40	Camptonville		2.00	1.50	1.00	.75

No round trip fares

The application, as amended, states that the proposed transportation of express would be incidental to the transportation

of passengers and the United States mail, and in the nature of an accommodation service to patrons. The average shipments would be small and applicant proposes to assess the charges as shown in the margin, in lieu of the minimum charges prescribed by the Commission (1) for such transportation by Decision No. 31606, as amended, in Case No. 4246. It is further stated that the prescribed minimum charges would be burdensome to the shippers in the area proposed to be served which is sparsely settled.

Applicant proposes to provide one round trip daily except Sundays. The equipment to be used is a 1941 model Chevrolet $\frac{1}{2}$ -ton pickup truck with seating capacity for five passengers. It is asserted that applicant is presently engaged in the transportation of United States mail between Marysville and Camptonville under a contract with the Post Office Department.

The application states that there is no common carrier service now provided between the points proposed to be served. While the proposed basis of charges will produce charges lower in volume than prescribed by Decision No. 31606, as amended, it appears that applicant's proposed operation is comparable to that of carriers heretofore accorded authority in Case No. 4246 to depart from the established basis of rates for shipments weighing 100

(1) MILES	BETWEEN AND	Marysville	Browns Valley	Oregon House	Dobbins
00	Marysville	--	--	--	--
12	Browns Valley	.25	--	--	--
23	Oregon House	.30	.25	--	--
25	Dobbins	.40	.35	.25	--
40	Camptonville	.50	.40	.35	.30

Per cwt.

No charge for baggage with passenger ticket up to 50 pounds.

pounds or less. Under the circumstances and conditions, asserted to exist, applicant will be exempted from the provisions of minimum rates prescribed by Decision No. 31606, as amended.

In our judgment there is a public need for the service proposed by applicant, and the authority requested will be granted. No public hearing is necessary.

Joseph R. Vierra 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.

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 Joseph R. Vierra authorizing the establishment and operation of service as a passenger stage corporation for the transportation of passengers, baggage and shipments of express weighing not to exceed 100 pounds each on passenger carrying vehicles between Marysville and Camptonville and intermediate points

via Browns Valley and Dobbins provided that no passengers, baggage or express may be transported when the origin and destination are between Marysville, Browns Valley Junction and intermediate points. Service may be provided from points in the restricted area to points outside such restricted area or vice versa.

(2) That Joseph R. Vierra is hereby authorized to publish, for the transportation of shipments of property weighing 100 pounds or less, rates less than the minimum rates prescribed by Decision No. 31606, as amended, in Case No. 4246, but not less than those shown in amended Exhibit "A" attached to the application herein.

(3) 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 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.
3. Subject to the authority of the Commission to change or modify it at any time by further order, applicant shall conduct the service herein authorized over and along the following routes:

Over California State Highway 20 between Marysville and Browns Valley Junction, thence over and along an unnumbered public highway to Camptonville via Browns Valley, Oregon House and Dobbins.

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

Dated at Los Angeles, California, this 22nd
day of May, 1945.

Harold Hudson
Justice J. Casper
Richard K. ...
Francis ...
Isaac ...
COMMISSIONERS