

ORIGINAL

Decision No. 38330

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Application of Frank L. DeWolf and
George S. Bone, doing business as
Lake Elsinore Transit Co., for a
Certificate of Public Convenience
and Necessity to Operate as a
Passenger Stage Corporation Between
Points and Places in the Vicinity of
Lake Elsinore.

Application No. 26956

BY THE COMMISSION:

O P I N I O N

In the above entitled application, Frank L. DeWolf requests the Commission to issue to him a certificate authorizing the establishment and operation of a service for the transportation of passengers between points on U. S. Highway No. 395 and connecting state and county highways, which constitutes a circular route around Lake Elsinore. Among the points involved are Elsinore, Sedco, DeWolf's Ranch and Johnny Graham's Corner. The total length of the route around the Lake is approximately 10 miles. The proposed one-way fares vary from 10¢ to 25¢. Between 7:10 A.M. and 10:30 P.M. approximately 12 round trips would be provided daily except Sundays and holidays. To provide the proposed service, applicant would use one 1940 year model Ford, transit type bus of 22 passenger seating capacity.

In support of the authority sought, applicant alleges in substance that the communities adjoining Lake Elsinore consist of both a permanent and a resort nature; that the population of the territory proposed to be served fluctuates from month to month being considerably larger during the months from May to October inclusive, and that there are from two to three thousand people

in the vicinity who need and would use the proposed service. The application further states that there is no public transportation service over the route it proposes to operate except that provided by Inland Stages between Elsinore and points along U. S. Highway No. 395, which highway constitutes but a minor portion of the route which applicant proposes to use. The application further states that the residents of the various points proposed to be served require the proposed service for transportation between the various communities involved as well as to or from Elsinore to connect with the service of Inland Stages.

M. C. Yahne, Inc., doing business as Inland Stages, has informed the Commission in writing that it does not desire to offer any objection to the granting of the application. After full consideration of the matter involved, it is our judgment that there is a public need for the proposed operation and a certificate therefor will be issued.

Frank L. DeWolf 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 Frank L. DeWolf 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 between Elsinore, Sedco, DeWolf's Ranch, Johnny Graham's Corner, Elsinore and intermediate points.

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

1. Applicant shall file a written acceptance of the certificate herein granted within a period not to exceed 30 days from effective date hereof.
2. Applicant shall, within 60 days from the effective date hereof and on not less than 5 days notice to the Commission and the public, establish the service herein authorized and 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 tables satisfactory to the Commission.
3. Subject to the authority of the Commission to change or modify it by further order, applicant shall conduct operations over and along the following route:

Beginning at Elsinore thence along U. S. Highway No. 395, Corydon Avenue, Grand Avenue, Machado Avenue, Lincoln Avenue, Riverside Avenue and State Highway No. 71 to Elsinore.

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

Dated at Los Angeles, California, this 30th
day of October, 1945.

Harold Rudman

Justice J. C. Craven

Francis C. Carr

Joseph D. Duce
COMMISSIONERS