

Decision No. 38472

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ELMER H. HUNT dba Garden Grove Cab )  
Co., for a certificate of public )  
convenience and necessity to operate )  
passenger service, and express )  
incidental to the transportation of )  
passengers, between Anaheim and )  
Huntington Beach via Garden Grove. )

ORIGINAL

Application No. 27127

O P I N I O N

This is an application by Elmer H. Hunt for a certificate of public convenience and necessity to operate a passenger stage service, for the transportation of passengers, baggage and express, between Anaheim and Huntington Beach via Garden Grove and intermediate points.

Applicant justifies the need for the proposed service by alleging that:

Passengers desiring to travel between Garden Grove and Long Beach, which is directly west, are required to take a Pacific Electric car to Santa Ana, five miles southeasterly, and then transfer to a Long Beach bus. Their only alternative is to take a Pacific Electric car to Bellflower, twenty miles northwest, and then transfer to a bus back to Long Beach.

Passengers between Garden Grove and Anaheim, directly north, must take the Pacific Electric car to Santa Ana, five miles southeasterly, then transfer to a bus northward through Orange to Anaheim,

There is no direct bus service between Huntington Beach and Santa Ana.

Applicant's proposed service will supply direct schedules and will at the same time offer service between the cities of Anaheim, Garden Grove, Westminster, Midway City and Huntington Beach,

There are two carriers in the general territory which applicant seeks to serve, viz: Pacific Electric Railway Company and Ben Tunstall.

Pacific Electric Railway Company offers no objection to the proposed service, in fact, urges the granting of the application since it would provide a service between Huntington Beach and Santa Ana through connection with Pacific Electric's Long Beach-Santa Ana-Riverside operation and would also have the effect of providing service between Anaheim and Garden Grove over a direct route between Anaheim, Garden Grove and Huntington Beach as well as between Anaheim, Garden Grove and Long Beach through connections with Pacific Electric's Santa Ana-Long Beach line at Westminster.

Ben Tunstall, doing business as Huntington Beach Victory Bus, was granted a certificate authorizing, among other things, passenger stage service over a route generally between Huntington Beach, on the one hand, and Douglas Aircraft and Terminal Island, on the other hand, the operation being via Westminster with no local service between Huntington Beach and Westminster. Tunstall now has on file with the Commission an application to abandon that service, which was "on-call", initiated for the convenience of defense workers employed at Douglas Aircraft and Terminal Island Shipyard.

Attached to the application are statements setting forth applicant's financial condition, rates of fare and time schedules. He has available for the service a 25-passenger bus in good condition. The proposed service will afford six daily schedules each way.

It appears that the proposed service is in the public interest and the application will be granted. A public hearing is

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(1) Decision No. 36943, dated March 21, 1944, on Application No. 25988.

(2) First Supplemental Application No. 25988, filed December 3, 1945.

not required.

Elmer H. Hunt 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

Application having been made as above entitled, and the Commission being fully advised,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Elmer H. Hunt 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 and baggage and shipments of express weighing not in excess of 100 pounds, on passenger carrying vehicles only, between Anaheim and Huntington Beach and intermediate points.

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

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, 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, 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, pursuant to the certificate herein granted, over and along the following route:

Beginning on North Olive Street in Anaheim at La Palma Avenue, south to Center, west to Palm, south to Broadway, west to Euclid, south to Lampson, east to Pine, south to Garden Grove Boulevard, west to Huntington Beach Boulevard, south to Indianapolis, west and south via Main to Walnut, south to Third, west to Ocean Boulevard, north to "bus stop" at Main and Ocean Boulevard. Back by same route; picking up and unloading passengers at any through street or any loading zone.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1946.

[Signature]

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COMMISSIONERS