

Decision No: 38759

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
CHARLES W. DORSER for a certificate)
of public convenience and necessity)
to operate freight, property and)
passenger service between Oroville,)
California and Buck's Lake Lodge,)
California.)

Application No. 27031

O P I N I O N

Charles W. Dorser seeks a certificate of public convenience and necessity, under Sections 50-1/4 and 50-3/4, Public Utilities Act, authorizing the establishment of service, both as a passenger stage corporation and as a highway common carrier between Oroville and Buck's Lake Lodge (in Plumas County), and intermediate points, a total distance of 48 miles. The operation would be conducted over the Oroville-Quincy-Buck's Lake Road, via Bidwell Bar, Berry Creek, Brush Creek, Mountain House and Merrimac.

The route, over which the service would be provided, traverses a mountainous, inaccessible region. From an elevation of 200 feet at Oroville, the road rises to a summit of 6,000 feet, and drops to 5,000 feet at Buck's Lake Lodge. Throughout most of its course, this road is in poor condition and difficult to travel. Beyond Merriman, 32 miles northeast of Oroville, it is closed by deep snow throughout the winter months.

Aside from Oroville, the county seat of Butte County, the territory is thinly populated. Summer resorts are situated both at Berry Creek and at Buck's Lake Lodge; each of the remaining four stations consists of little more than a store or a house. Bordering

(1) Stores are situated at Bidwell Bar, Berry Creek, Brush Creek and Buck's Lake Lodge.

the road are a few farms and ranches.

Operating under a contract with the Government, applicant carries the mail between Oroville and Buck's Lake Lodge. In the past he has transported both passengers and freight for compensation; allegedly in so doing, he acted in ignorance of the necessity for obtaining a certificate.

The volume of traffic moving between these points is not substantial. Assertedly, it is insufficient to support a public transportation service conducted by one not holding the mail contract. Stage passengers would not exceed 200 annually. Freight shipments would average 800 pounds daily throughout the year. The traffic consists largely of supplies obtained from Oroville by storekeepers, ranchers and resort owners. It fluctuates with the seasons, being considerably heavier throughout the summer than during the winter.

To provide the service applicant would use one Ford pickup truck and one Dodge 3/4 ton truck. Ordinarily, passengers ride in the cab with the driver; however, an additional seat would be installed in the Ford truck when necessary. To accommodate the sparse passenger traffic, it is not essential, applicant alleges, to provide separate equipment.

The proposed time schedule contemplates one round trip daily (except Sundays) between Oroville and Buck's Lake Lodge during

(2)

the summer season, May 16 to October 15, of each year. After October 31 no service would be supplied beyond Merrimac; between November 1 and the following April 30, tri-weekly service would be furnished between Oroville and Mountain House, and on alternate days between Oroville and Berry Creek and Butterfield Ranch, approximately two miles south of Brush Creek, on the Bald Rock road; Merrimac would be served once a week. During the winter season, Bald Rock road would afford an alternate route between Berry Creek and Brush Creek, via Butterfield Ranch.

The rates and fares to be established, appear in the application. The one-way passenger fares range from 50 cents, between Oroville and Bidwell Bar, to \$3 between Oroville and Buck's Lake Lodge. A substantial share of the proposed freight rates are less than those prescribed as minima by Decision No. 31606, as amended, in Case No. 4246; in some instances they are repugnant to the long-and-short-haul provisions of Section 24, Public Utilities Act. Applicant will be expected to publish rates and fares amenable to applicable statutory provisions and the Commission's minimum rate orders.

Since there appears to be a public need for this service, the application will be granted. No one has objected to applicant's proposal; in fact no other common carrier now serves the territory. This is not a matter requiring a public hearing.

Charles W. Dorser is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may

(2) Applicant proposes to conduct the service during the summer season, under the following time schedule:

8:00 a.m.	Lv.	Oroville	Ar	5:45 p.m.
8:45 a.m.	Ar	Bidwell Bar	Ar	5:15 p.m.
10:00 a.m.	Ar	Berry Creek	Ar	4:45 p.m.
11:00 a.m.	Ar	Brush Creek	Ar	3:45 p.m.
12:30 a.m.	Ar	Merrimac	Ar	3:15 p.m.
1:45 a.m.	Ar	Buck's Lake Lodge	Lv.	2:15 p.m.

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, the matter having been duly considered, and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Charles W. Dorser, authorizing the establishment and operation of service, between Oroville and Buck's Lake Lodge and intermediate points, both as a passenger stage corporation (for the transportation of passengers and baggage), and as a highway common carrier, as defined by Sections 2-1/4 and 2-3/4, respectively, of the Public Utilities Act..

(2) That in providing service pursuant to the certificate herein granted, Charles W. Dorser shall comply with and observe the following service regulations:

(a) 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.

(b) Applicant shall, within 60 days from the effective date hereof and upon not less than 1 day's notice to the Commission and the public, establish the service herein authorized and 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, tariffs and time schedules satisfactory to the Commission.

(c) Subject to the authority of this Commission to change or modify such at any time, applicant shall conduct said passenger stage and highway common carrier operation over and along the following described route:

From Oroville to Quincy via Bidwell Bar, Berry Creek, Brush Creek, Mountain House and Merrimac over the Oroville-Quincy-Buck's Lake Road.

Alternate Route

From Berry Creek (approximately) to Brush Creek, via Butterfield Ranch, over Bald Rock Road.

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

Dated at San Francisco California, this 12th day of March, 1946.

Harold Anderson

Joseph Lawrence

Harold P. Hills

COMMISSIONERS