

Decision No. 38824

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
C. W. McCrum for a certificate of)
public convenience and necessity to)
operate a motor truck, freight and)
passenger service as a common carrier)
between Oroville and Clipper Mills)
returning via Challenge.)

Application No. 27197

H. V. GLENSOR, for applicant,

O P I N I O N

In this application, as amended, C. W. McCrum requests a certificate of public convenience and necessity to operate a motor truck service for the transportation of passengers and freight between Oroville and Clipper Mills and intermediate points. A public hearing was had before Examiner Gannon at Oroville on March 20, 1946.

The proposed route extends directly east from Oroville for a distance of approximately 32 miles serving Forbestown, Woodleaf and Clipper Mills and, on the return trip, serving Challenge. There is no public transportation between these points except between Challenge, Woodleaf and Clipper Mills rendered by David C. Hall and A. McDonald, doing business as Marysville and La (1) Porte Stage Co. This carrier operates a distance of approximately six miles over the route proposed to be served by applicant, but the area is rather sparsely settled.

Applicant proposes to operate one daily round-trip

(1) David C. Hall, one of the owners of said stage line, advised the Commission by letter that he proposed to protest the McCrum application and requested a public hearing. However, he failed to enter an appearance at the hearing.

schedule, carrying passengers and freight. His equipment consists of one 3/4-ton truck, arranged to carry two passengers in addition to freight shipments. Proposed passenger fares are submitted with the application and freight rates are to be no lower than those prescribed by the Commission.

For several months applicant has transported the United States mail under contract between Oroville and Woodleaf, and stated that the proposed transportation service must be operated in conjunction with the mail route in order to put either service on a paying basis.

A witness from Clipper Mills testified that he operated a store at that place and that he would welcome the proposed service and would use it daily in receiving shipments from Oroville. No opposition developed to the granting of the application.

We have given due consideration to this application and are of the opinion, and so find, that the record sustains the granting of the application.

C. W. McCrum 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 in the above entitled matter, a public hearing having been held, and the Commission being fully advised in the premises:

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to C. W. McCrum, authorizing the establishment and operation of service between Oroville and Clipper Mills, returning via Challenge, both as a passenger stage corporation and a highway common carrier, as defined by Sections 2-1/4 and 2-3/4, respectively, of the Public Utilities Act.

IT IS FURTHER ORDERED that in providing service pursuant to the certificate herein granted, applicant 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 operations over and along the following described route:

From Oroville to Clipper Mills via Forbestown, and Woodleaf; returning via Challenge to Forbestown, thence to Oroville.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 2nd day of April, 1946:

Harold Rudman
Justin F. Cooney
Franklin
Isaac H. Lowell
Samuel D. Kuls
 COMMISSIONERS