

ORIGINAL

Decision No. 39751

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
WILLIAM F. SCARBROUGH, doing business )  
as FRESNO-NORTH FORK STAGE LINES, for )  
a certificate of public convenience )  
and necessity to operate a passenger )  
stage corporation between Fresno and )  
North Fork, Friant and Pines, and )  
intermediate points. )

Application No. 27713

CROSSLAND & CROSSLAND, by ROBERT S. CROSSLAND, for  
applicant.  
L. NELSON HAYHURST, for D. Moyers, doing business as  
Moyer's Stage Line, interested party.

O P I N I O N

In this proceeding, William F. Scarbrough, doing business as Fresno-North Fork Stage Lines, seeks a certificate of public convenience and necessity, pursuant to Section 50½, Public Utilities Act, authorizing the establishment of a passenger stage service between Fresno and Pines (on Bass Lake) and certain intermediate points, excluding service between other specified intermediate points. The matter was submitted at a public hearing had before Examiner Austin at North Fork, on October 25, 1946.

By his amended application, Scarbrough originally sought authority to operate between Fresno and Pines and intermediate points, including Pinedale, Friant, O'Neals, North Fork and Wishon; but excluding local service between Fresno and Pinedale. When the matter was called for hearing, D. Moyers, doing business as Moyer's Stage Line, who conducts a passenger stage service between some of

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the points which applicant undertook to serve, appeared as a protestant. To meet this objection, applicant modified his proposal, whereupon Moyers withdrew his protest. Applicant now seeks operating authority between Fresno and Pines and intermediate points, including Pinedale, Friant, O'Neals, North Fork and Wishon, but excluding (a) local service between Fresno and Friant and intermediate points; and (b) through service between Fresno and Pinedale, on the one hand, and Wishon, Pines or any point on Bass Lake, on the other hand, during the period, May 15 to September 15, of each year, when Moyer's Stage Line operates between these points. Subject to the limitation specified in subdivision (a), local service would be supplied, throughout the year, between Fresno and North Fork, and intermediate points.

Applicant's showing was presented through his own testimony and through public witnesses whom he produced. Applicant described in detail the nature of the service he proposed to supply. For many years he has carried the mail between the points involved, under contractual arrangements with the United States Government. The existing agreement, he stated, will expire July 1, 1950. He is financially qualified, it appears to conduct this operation.

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- (1) Moyers is authorized to operate a passenger stage service: (a) between Fresno and Friant, via U. S. Army Air Base and Clovis (Decision No. 34404, in Application No. 24297); and (b) between Fresno and points situated on Bass Lake, during the season extending approximately from May 15 to September 15 of each year (Decision No. 37885, in Application No. 26710). The latter operation is routed over California State Highway No. 41 (via Coarse Gold and Oakhurst) from Fresno to Bissott Corner; thence over U. S. Forest Highway No. 74 to Bass Lake. The lake points served include The Pines, Freeman's Lodge, The Falls, The Forks and Wishon. Between Pinedale and Wishon, this route differs from that over which applicant proposes to operate.

To provide the service, two station wagons would be used, one of which has been ordered but not yet delivered. Under the schedule contemplated, a daily service would be furnished (excepting Sundays and holidays), the bus leaving Fresno in the early morning, arriving at Pines shortly before noon, and returning to Fresno in the late afternoon. In addition, an "on call" service would be available from Fresno, when requested by four or more persons desiring to reach the same destination. The proposed fares are constructed on a basis of 4 cents per passenger mile. In view of the nature of the operations, they appear to be reasonable. They would permit profitable operation, applicant asserts.

The public witnesses, some 10 in number, whom applicant produced, described the need for an adequate transportation service.

(2) At the outset, applicant would observe the following time schedule:

<u>Miles</u>	<u>Read-Down</u>					<u>Read Up</u>
0	7:30 AM	Lv	Fresno	Ar		4:10 PM
7	7:45 AM	Ar	Pinedale	Ar		3:35 PM
21	8:15 AM	Ar	Friant	Ar		3:10 PM
34	9:00 AM	Ar	O'Neals	Ar		2:30 PM
50	10:00 AM	Ar	North Fork	Ar		1:40 PM
57	10:25 AM	Ar	Wishon	Ar		1:00 PM
64	11:10 AM	Ar	Pines	Lv		12:30 PM

(3) Applicant proposes to establish single one-way passenger fares, as follows:

<u>Between and</u>	<u>PASSENGER FARES IN CENTS</u>						
	<u>Fresno</u>	<u>Pine-dale</u>	<u>Friant</u>	<u>O'Neals</u>	<u>North Fork</u>	<u>Wishon</u>	<u>Pines</u>
Fresno	--	--	--	140	200	228	256
Pinedale	--	--	--	110	175	200	228
Friant	--	--	--	50	120	145	175
O'Neals	140	110	50	--	65	95	120
North Fork	200	175	120	65	--	30	35
Wishon	228	200	145	95	30	--	30
Pine-s	256	228	175	120	35	30	--

(4) Of the 10 public witnesses called, one resides in Fresno, four at North Fork, three at South Fork, one at O'Neals and one at Friant.

The route would traverse a mountainous territory, devoted largely to lumbering and stock raising. Bass Lake, it was shown, has become the center of a popular resort area. The population of the principal communities was shown. <sup>(5)</sup> Between Fresno, Pinedale and Friant, on the one hand, and O'Neals and North Fork on the other, no public transportation service, they testified, is available. From September 15 to May 15 of the following year, no such service, it appears, is available between any of these points and Bass Lake. Residents of these communities, it was shown, frequently have voiced the need for a service of this character. Many, who have no automobiles, are compelled to rely, in emergencies, upon transportation furnished by friends and neighbors. Typical of the public witnesses called was a contractor, living at South Fork, who constantly travels throughout the State. On returning from these trips, he is met at Fresno by his wife, who drives him home in the family car. Others, it appears, have suffered similar inconveniences.

In our judgment a public need has been shown for the establishment of the proposed service. The application, accordingly, will be granted.

William P. Scarbrough 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

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(5) The record discloses that the combined population of North Fork and South Fork (which are contiguous communities) is approximately 600; O'Neals is the center of a settlement having a population of some 200; and Friant has a population of about 300.

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

Public hearing having been had in the above entitled proceeding, the matter having been duly submitted and the Commission now finding 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 William P. Scarbrough authorizing the establishment and operation of a service as a passenger stage corporation, as defined by Section 24, Public Utilities Act, for the transportation of passengers and baggage between Fresno, on the one hand, and Pines (on Bass Lake), on the other hand, and intermediate points, including Pinedale, Friant, O'Neals, North Fork and Wishon; but excluding (a) local service between Fresno and Friant and intermediate points; and (b) through service between Fresno and Pinedale, on the one hand, and Wishon, Pines, and all other points on Bass Lake, on the other hand, between May 15 and September 15 of each year.

(2) 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. Within 60 days from the effective date hereof, and on not less than 1 day's notice to the Commission and the public, applicant shall 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.
- c. Subject to the authority of this Commission to change or modify such route by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

From Fresno via Van Ness Avenue and Morea Avenue to Pinedale, thence via unnumbered county road to Friant, O'Neals, North Fork, Wishon and Pines.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of December, 1946.

Harold J. Huber  
Justus J. Calver  
James D. ...  
W. H. ...  
G. E. ...  
 COMMISSIONERS