

ORIGINAL

Decision No. 39809

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Charles W. Dorser to transfer automotive transportation certificate to D. A. Nicklas, covering operations from Oroville and Bucks Lake Lodge, Butte County.	)	
-----	)	
	)	Application
	)	No. 28057

OPINION AND ORDER

The Commission by Decision No. 38759, dated March 12, 1946, as amended, granted to Charles W. Dorser a certificate of public convenience and necessity authorizing the establishment and operation of service, between Oroville and Bucks 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 in Sections 2-1/4 and 2-3/4, respectively, of the Public Utilities Act. (1)

In Decision No. 38759 the Commission states that the volume of traffic moving between the points mentioned is not substantial and that it is insufficient to support a public transportation service conducted by one not holding the mail contract. At the time that decision was entered, Charles W. Dorser held the mail contract. On July 1, 1946, his contract was terminated and

(1)

By Decision No. 38759, as amended, Charles W. Dorser is permitted to operate, subject to the authority of the Commission to change or modify the same, over the following route: from Oroville to Bucks Lake Lodge via Bidwell Bar, Berry Creek, Brush Creek, Mountain House and Merrimac over the Oroville-Quincy-Bucks Lake road.

Alternate route: from Berry Creek (approximately) to Brush Creek via Butterfield Ranch, over Bald Rock road.

the mail service turned over to D. A. Nicklas.

Charles W. Dorser in this application asks permission to transfer his certificate of public convenience and necessity to D. A. Nicklas.

The Commission has considered applicant's request and is of the opinion that this is not a matter on which a hearing is necessary.

D. A. Nicklas 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.

IT IS HEREBY ORDERED that Charles W. Dorser may, after the effective date hereof, transfer to D. A. Nicklas the certificate of public convenience and necessity granted to him by Decision No. 38759, dated March 12, 1946, as amended by Decision No. 38892, dated April 23, 1946.

IT IS HEREBY FURTHER ORDERED that D. A. Nicklas shall, within sixty (60) days from the date hereof and on not less than one (1) day's notice to the Commission and to the public, 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.

IT IS HEREBY FURTHER ORDERED that the authority herein  
granted is effective upon the date hereof.

Dated at San Francisco, California, this 30th day  
of December, 1946.

Harold P. Hull  
Justice Z. Calver  
Justice H. Lawrence  
R. I. Dunning  
Commissioners