

ORIGINAL

Decision No. 40038

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JULIUS E. NERVO, an individual, doing)
business as NERVO TRANSPORTATION)
COMPANY for a certificate of public)
convenience and necessity to operate a)
passenger and express service between)
Santa Rosa, California, and Sonoma)
County Airport.)

Application No. 28055

O P I N I O N

By the above-entitled application, Julius E. Nervo seeks a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service for the transportation of passengers and express between Santa Rosa and Sonoma County Airport and intermediate points subject to certain local restrictions:

Applicant proposes to operate five daily round-trip schedules and plans to use a 29-seated passenger capacity stage. The distance between Santa Rosa and the Airport is stated to be approximately 10 miles. The proposed one-way fare between Santa Rosa and the airport is 25 cents. Fares between other points would be in proportion. A financial statement attached to the application shows that applicant has a net worth of about \$17,000.

In support of the authority sought, the application states in substance that the Sonoma County Airport was originally established by the United States Army as an air base and has been taken over by the County; that many persons residing along the proposed route have occasion to travel daily to and from Santa Rosa for the transaction of business; that there is a substantial number of

students attending flying schools and persons employed at the airport who need public transportation which is not available. It is also stated that the Southwest Airways Company plans to establish airplane service between the Sonoma County Airport and other points in California within the near future and will require transportation facilities for its passengers between the airport and Santa Rosa. Applicant does not propose any local service within the corporate limits of Santa Rosa. Pacific Greyhound Lines has waived protest to the granting of the application provided that no service will be performed between Santa Rosa and Fulton and points north of Fulton to and including the intersection of Lone Redwood Road and Fulton Road; nor between Fulton and the intersection of Lone Redwood Road and Fulton Road and intermediate points, which is presently served by it.

After full consideration of applicant's request, it is our conclusion that there is a public need for the proposed service which will be authorized subject to a restriction prohibiting local service between Fulton, Lone Redwood Road and Santa Rosa. No public hearing is necessary.

Julius E. Nervo 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

An application therefor having been filed and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Julius E. Nervo authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers between Santa Rosa and Sonoma County Airport and intermediate points subject to the following restrictions:

- a. No passengers shall be transported having both point of origin and point of destination within the corporate limits of the city of Santa Rosa.
- b. No passengers may be transported between Santa Rosa and Fulton and points north of Fulton to and including the intersection of Lone Redwood Road and Fulton Road; nor between Fulton and the intersection of Lone Redwood Road and Fulton Road and intermediate points.

(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 5 days' 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 it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Beginning at the Courthouse Square in Santa Rosa, thence along Mendocino Street, College Avenue, Monroe Road, Guerneville Road, Fulton Road, Lone Redwood Road to Sonoma County Airport.

Applicant may turn his motor vehicles at termini or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

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

Dated at San Francisco, California, this 4th day of March, 1947.

Harold A. Kule

Justice F. Crocker

Geo. H. Russell

R. F. Johnson

Samuel H. Patton

COMMISSIONERS