

Decision No. 40315

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
JAMES B. ROCKWELL and RAYMOND E. FRYER)	
for certificate of public convenience)	
and necessity to operate freight and)	Application No. 28241
passenger service between ETNA, CALIF-))	
ORNIA and SOMES BAR, CALIFORNIA.)	

O P I N I O N

(1)
 James B. Rockwell and H. S. Sims have requested the Commission to issue to them a certificate of public convenience and necessity authorizing the transportation of passengers and property between Etna and Somes Bar and intermediate points on the grounds that no common carrier facilities exist for the transportation of passengers or property between such points for which there is a public need.

After full consideration of applicants' request, we find there is a public need for the service proposed which will be authorized. No public hearing is necessary.

James B. Rockwell and H. S. Sims are 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

(1) Subsequent to the filing of the application, the Commission was requested by applicants to substitute H. S. Sims in the place and stead of Raymond E. Fryer as one of the applicants.

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

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 James B. Rockwell and H. S. Sims authorizing the establishment and operation of service as a passenger stage corporation and a highway common carrier, as such terms are defined in Sections 2-1/4 and 2-3/4, respectively, of the Public Utilities Act, for the transportation of passengers and property between Etna, Sawyers Bar, Forks of Salmon and Somes Bar and intermediate points.

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

- a. That applicants Rockwell and Sims shall file a written acceptance of the certificate herein granted within a period not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 10 days' notice to the Commission and the Public, applicants Rockwell and Sims shall establish the service herein authorized and comply with the provisions of General Order Nos. 79 and 80 and Part IV of General Order No. 93-A by filing in triplicate and currently making effective appropriate tariffs and time tables.

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

Dated at San Francisco, California, this 27th day of May, 1947.

Harold P. Hull
Justus D. Craven
Wm. H. Lawrence
A. J. Duntzman
Samuel D. Lott
COMMISSIONERS