

Decision No. 40448

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
W. J. MONIZ, an individual, for a)	
certificate of public convenience)	
and necessity to operate a passenger)	Application No. 28495
stage service, on a seasonal basis)	
from approximately May 1 to October 1)	
as a common carrier, between Healds-)	
burg and Fitch Mountain.)	

O P I N I O N

This application is filed by W. J. Moniz and requests a certificate of public convenience and necessity to operate a passenger, baggage and express service as a common carrier from Healdsburg around Fitch Mountain and return to Healdsburg, serving all intermediate points.

Fitch Mountain is a summer resort and summer home area east of Healdsburg on the Russian River.

According to the application there are approximately 500 homes occupied during the summer season, in addition to four summer resorts accommodating over 500 guests. The applicant estimates that these resort activities attract in the neighborhood of 4000 persons during the season, a good portion of whom would avail themselves of public transportation between that area and the city of Healdsburg.

Applicant proposes to operate the service with a 1946 Ford V-8 automobile, having a capacity of five passengers, and to add to such equipment additional vehicles as the requirements may demand.

A one-way fare of 35 cents is proposed, applicable in each direction. Express shipments will be transported on a graduated weight scale, up to 75 cents for parcels weighing not over 100 pounds. Two schedules will be operated daily, one leaving Healdsburg at 8:35 a.m. and the other at 6 p.m. The distance around Fitch Mountain is 6.5 miles.

The proposed service is seasonal, extending approximately from May 1 to October 1 of each year. There is no similar service offered at present and no protest is made to the granting of the application. Pacific Greyhound Lines operates over a portion of the route along U. S. Highway No. 101, but the service proposed by applicant is in no way competitive with that of Greyhound. In fact, the services will co-ordinate one with the other, in that passengers carried by applicant may transfer to and from Greyhound at Healdsburg.

It appears that the application should be granted. A public hearing is not required.

W. J. Moniz 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

We hereby find that public convenience and necessity require the proposed operation. Therefore, and good cause appearing,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to W. J. Moniz authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers and their baggage, and shipments of express weighing not to exceed 100 pounds each on passenger carrying vehicles only, from Healdsburg around Fitch Mountain and return to Healdsburg, including all intermediate points, during the period from approximately May 1 to October 1 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 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 Pacific Greyhound Lines' Depot at Healdsburg located on U. S. Highway No. 101, thence via U. S. Highway No. 101 to Matheson Street, thence via Matheson Street to Fitch Mountain Road, thence via Fitch Mountain Road to Powell Avenue, thence via Powell Avenue to U. S. Highway No. 101, thence to Pacific Greyhound Lines' Depot, using the same route in the reverse direction.

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

Dated at San Francisco, California, this 24th day
of June, 1947.

Harold P. Kula
Justus J. Cramer
Lea H. Powell
R. J. [unclear]
Samuel H. Potter
COMMISSIONERS