

ORIGINAL

Decision No. 40902

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROBERT J. UTZ, an individual, doing)
 business as BLYTHE TRANSPORTATION CO.,)
 for a certificate of public convenience)
 and necessity authorizing the operation) Application No. 28675
 of a passenger stage business between)
 Blythe, California, and Midland,)
 California, serving all intermediate)
 points over and along specified routes.)

O P I N I O N

Applicant proposes to operate a passenger stage service between Blythe and Midland, California, via Hobson Way, North Lovekin Avenue in Blythe, thence via North Lovekin Avenue and Midland Road to Midland. Service is proposed to all intermediate points.

It is alleged that the population of Midland is approximately 800, the population of Blythe is approximately 4,000, and there are ranches and other points of habitation along the proposed route, and that the areas are presently increasing in population. There is no available service by motor vehicle. The only public passenger service at all is a combined passenger and freight service by rail, furnished by The Atchison, Topeka & Santa Fe Railway Company, consisting of one train a day in each direction. The population of Midland, California, is made up largely of employees of the U. S. Gypsum Company. These people, as well as those living at intermediate points between Midland and Blythe, go to Blythe for

shopping and recreational purposes. Also, the school children travel from Midland to Blythe to attend school inasmuch as there are no school facilities at Midland.

Applicant proposes a service which will meet the aforementioned needs. The application is supported by the Palo Verde Chamber of Commerce at Blythe, the U. S. Gypsum Company at Midland, the Palo Verde Unified School District at Blythe, and the Police Department of the City of Blythe.

The distance between the two cities is 22 miles and applicant proposes a running time of 45 minutes, having three schedules daily in each direction. Applicant proposes to establish one-way fares which will be published in his own tariff, of 50 cents for adults, 25 cents for children 6 to 12 years, and no charge for children under 6 years. A school fare of 25 cents one way will be established for all school children and, in addition, applicant proposes to issue a nontransferable commutation book of 25 rides for \$10, said book to be good for 90 days from the date of purchase. In addition to these fares applicant proposes a zone between Blythe, California, and the intersection of Midland Road and the right of way of The Atchison, Topeka & Santa Fe Railway Company, approximately eight miles north of Blythe. The proposed one-way fares for this area, designated as Zone 1, are: adults, 25 cents, children 6 to 12, 10 cents, and children under 6, no charge.

In the proposed service applicant alleges he will use a 1936 cab-over-engine Ford bus having a capacity of 30 passengers. He has had experience in the operation of this bus in conducting a contract service with the U. S. Gypsum Company, for the transportation of their employees.

Applicant has submitted a financial statement showing a net worth of \$6,800. The only obligation shown is a long-term mortgage, in the amount of \$1,400, on his real property.

There is no opposition to these proposals from The Atchison, Topeka, and Santa Fe Railway Company nor from the Pacific Greyhound Lines.

According to the record applicant is willing and able to conduct the operation here proposed.

Upon full consideration of this matter we are of the opinion and find that the establishment and operation of a passenger stage service as requested herein is in the public interest and, therefore, the application will be granted. A public hearing is not necessary.

Robert J. Utz 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

Application having been made in the above-entitled matter and the Commission being fully advised and finding that public convenience and necessity so require.

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Robert J. Utz, an individual, authorizing the establishment and operation of a service as a passenger stage corporation as that term is defined in Section 24 of the Public Utilities Act, for the transportation of persons and their baggage between Blythe and Midland, California.

(2) That in providing service pursuant to the certificate herein granted, Robert J. Utz, an individual, 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 thirty (30) days from the effective date hereof.
- (b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than one (1) day's notice to the Commission and the public, 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, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Robert J. Utz shall conduct said passenger stage operation over and along the following described route:

Commencing at the intersection of Hobson Way & Railroad Avenue in Blythe, thence via Hobson Way, North Lovokin Avenue and Midland Road to Midland; returning over the same route.

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

Dated at San Francisco, California, this 12th day of November, 1947.

Harold P. Huls
Justus F. Grauer
Robert H. Hall
R. B. Anderson

COMMISSIONERS