

Decision No. 41026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 T. E. SHAMBLIN for certificate of )  
 public convenience and necessity to )  
 operate passenger and express service )  
 between Santa Maria and Santa Maria )  
 Municipal Airport. )

Application No. 28915

ORIGINAL

O P I N I O N

T. E. Shamblin doing business as Airway Limousine Service requests the Commission to issue to him a certificate authorizing a passenger stage service for the transportation of passengers, their baggage, and incidental shipments of express weighing not to exceed 40 pounds between Santa Maria and Santa Maria Municipal Airport.

The proposed service would be rendered on an "on call" basis to coordinate with the arrivals and departures of air plane schedules at Santa Maria Municipal Airport. A one-way fare of 75¢ is proposed including free transportation of baggage of passengers between the Airport and applicant's Santa Maria station. If passengers are picked up at a point within Santa Maria other than applicant's station an additional charge of 25¢ is proposed.

In support of the authority sought applicant asserts that he is presently engaged in transporting United States mail between Santa Maria and the Municipal Airport under a contract with the United States Post Office; that Southwest Airways Company maintains a regularly scheduled air plane service to and from the Santa Maria Municipal Airport; that there is no public transportation between Santa Maria and the airport except by private automobile or taxi cab; that during the months of August, September and October 1947 the following number of passengers arrived or departed from Santa Maria Airport:

	<u>Arrived</u>	<u>Departed</u>
August	278	327
September	246	274
October	not available	240

After full consideration we find that public convenience and necessity require the establishment and operation of the service proposed by applicant. No public hearing is necessary.

T. E. Shamblin 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 the Commission being fully advised in the premises and having found that public convenience and necessity so require,

**IT IS ORDERED:**

(1) That a certificate of public convenience and necessity is hereby granted to T. E. Shamblin 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, their baggage and shipments of express weighing not to exceed 40 pounds each on passenger carrying vehicles only, between Santa Maria and Santa Maria Municipal Airport.

(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 Orders Nos. 79 and 80 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 most appropriate route or routes between the points herein authorized to be served.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of December, 1947.

Harold P. Kula  
Justus F. Gaerem  
Walter H. Linnell  
A. J. D. [unclear]

COMMISSIONERS