

ORIGINAL

Decision No. 41322

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
J. C. RUTHERFORD, an individual, for )  
a certificate of public convenience )  
and necessity to operate a passenger )  
stage service as a common carrier, )  
between Buellton and Lompoc. )

Application No. 29081

O P I N I O N

J. C. Rutherford, the applicant, requests a certificate of public convenience and necessity authorizing the transportation of passengers and express between Buellton and Lompoc, serving intermediate points, and operating over State Route 150.

The Pacific Greyhound Lines operates three southbound schedules and two northbound schedules through Lompoc. <sup>(1)</sup> The majority of schedules operated by that carrier between Los Angeles and San Francisco is routed through Buellton, thus missing Lompoc. The establishment of the proposed service would provide additional coastwise service for Lompoc by making connections at Buellton to and from several northbound and southbound Greyhound schedules, besides supplying local service between Buellton and Lompoc that is not presently available. Pacific Greyhound Lines is not opposing the application.

Applicant has available for the proposed service one bus of sufficient seating capacity to adequately handle the business. One-way fare between Buellton and Lompoc is fixed at 35 cents, the distance being 18 miles. Under the schedule proposed, three round

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(1) Operation over this route was primarily initiated to handle troops in special service between Camp Cooke and Los Angeles but that traffic no longer exists. As a result a regular schedule is not provided over the direct route between Buellton and Lompoc.

trips will be operated daily. A statement filed with the application indicates that the applicant is financially able to undertake the operation.

Giving full consideration to applicant's request we find that public convenience and necessity require the establishment and operation of the proposed service. A public hearing in the matter is not necessary.

J. C. Rutherford 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 J. C. Rutherford authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{4}$  of the Public Utilities Act, for the transportation of passengers and baggage and shipments of express weighing not to exceed

100 pounds each on passenger carrying vehicles only, between Buellton and Lompoc and intermediate points.

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

1. 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.
2. Within 60 days from the effective date hereof and on not less than 1 day's 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.
3. Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Between Buellton and Lompoc via State Route 150.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of March, 1948.

R. E. Anderson  
Justus J. Coe  
James H. Lowell  
Harold A. Hule  
Kenneth Patten  
 COMMISSIONERS