

ORIGINAL

Decision No. 41393

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ARCHIE W. JACKSON, dba JACKSON LINES,)
for a certificate of public convenience)
and necessity to operate a passenger)
stage corporation and a freight express)
right incidental thereto between Fresno)
and Tranquility including the inter-)
mediate points of Raisin City, Helm and)
San Joaquin; and for authority to deviate)
from the minimum rates in Case 4246.)

Application No. 29099

O P I N I O N

By this application, Archie W. Jackson, doing business as Jackson Lines, seeks a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between Fresno and Tranquility and intermediate points, including Raisin City, Helm and San Joaquin. Authority is also sought to transport express packages weighing not over 100 pounds.

Applicant proposes to operate two round trips a day, using a 12-passenger bus. It is stated that additional equipment will be purchased, if required.

The verified application sets forth that there is at present no passenger stage service between any of the points proposed to be served. The Chamber of Commerce at San Joaquin asserts that applicant's service, if established, will undoubtedly receive considerable patronage and be beneficial to that community. A similar expression has been made by the Tranquility Chamber of Commerce.

In transporting express packages, which will be incidental to the carrying of passengers, applicant desires to be relieved

from the provisions of the Commission's minimum rate orders. The proposed service will be substantially different from operations for which the established minimum rates were primarily designed. It appears to be similar in all essential respects to that of other carriers now exempt from the proscribed minimum rates.

Existing carriers have signified that they do not desire to protest the granting of the application. A public hearing does not appear to be necessary.

Upon the facts presented, we are of the opinion and find (a) that public convenience and necessity require the establishment and operation of service as a passenger stage corporation, as proposed by applicant; and (b) that the sought rate exemption should be granted.

Archie W. Jackson is hereby placed on 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 as above entitled having been made, 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 be and it is hereby granted to Archie W. Jackson authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers, baggage and express, limited to shipments weighing 100 pounds or less transported on passenger vehicles only, between Fresno and Tranquility and intermediate points, including Raisin City, Helma and San Joaquin.

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) Applicant shall commence the service herein authorized within a period of not exceeding 60 days from the effective date hereof and shall comply with the provisions of Tariff Circular No. 2, 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 on not less than 5 days' notice to the Commission and the public.
- (c) Subject to the authority of the Commission to change or modify it by further order, the route to be used by applicant between Fresno and Tranquility shall be over and along Cherry Avenue, Manning Avenue, McMullin Road, Lassen Avenue, and Colorado Avenue.

3. That, with respect to the transportation of express, applicant be and is hereby relieved from the observance of the

requirements of Decision No. 31606, as amended, in Case No. 4246.

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

Dated at San Francisco, California, this 30th day of March, 1948.

A. J. Induray
Justus F. Casner
Robert J. ...
Harold P. ...
Kenneth G. Pott
 COMMISSIONERS