

ORIGINALDecision No. 42151

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOUIS M. FREGI for a certificate of)
public convenience and necessity to)
establish an automotive service for) Application No. 29530
the transportation of passengers and)
air express between Fort Bragg and)
Little River Airport, California.)

O P I N I O N

Louis M. Fregi, by the above entitled application, as amended, seeks a certificate authorizing the establishment and operation of a passenger stage service for the transportation of air line passengers and air express between Fort Bragg and Little River and intermediate points, on the one hand, and Little River Airport, on the other hand. The express traffic would be confined to that of Railway Express Agency, Incorporated, and limited to packages weighing 200 pounds or less and not exceeding 134 inches in combined girth and length.

Applicant states that he is presently engaged in the transportation of United States mail to and from the Little River Airport under a contract with the Post Office Department. He states that he has been requested by the Southwest Airways Company to establish the proposed service because none is presently available for air line passengers or air line express to or from the Airport. He alleges that there is also a public demand and need for service for the transportation of automotive and machinery repair parts and small packages of other commodities requiring expedited movement.

After due consideration of the evidence of record we find that public convenience and necessity require the establishment and operation of the service proposed by applicant, which will be authorized. A public hearing is not necessary.

Louis M. Fregi 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 require the proposed operation,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Louis M. Fregi authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of air line passengers and air line express between Fort Bragg and Little River and intermediate points, on the one hand, and Little River Airport, on the other hand, provided that no shipment weighing in excess of 200 pounds and no package measuring in excess of 134 inches in combined girth and length shall be transported.

(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 State Highway No. 1 and the Little River Airport Road.

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

Dated at San Francisco, California, this 26th day of October, 1948.

R. Z. [Signature]
Justice F. [Signature]
[Signature]
Harold T. [Signature]
[Signature]
Commissioners