

ORIGINAL

Decision No. 42215

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THOMAS L. GARRETT, doing business as)
CUYAMA BUS LINE for a certificate of)
public convenience and necessity to)
operate a passenger stage service)
for the transportation of passengers,)
baggage and express between Santa)
Maria, Cuyama, Maricopa and all)
intermediate points.)

Application No. 29610

In the Matter of the Application of)
CHARLES WASH, doing business as)
SANTA MARIA TRANSIT LINES, for a)
certificate of public convenience)
and necessity to operate a passenger)
and express service as a common)
carrier of passengers, baggage and)
express (1) between the City of)
Santa Maria and Camp Cooke via)
Orcutt, and (2) between the City of)
Santa Maria and Taft, via Cuyama)
Valley and Maricopa.)

Application No. 29639

In the Matter of the Application of)
AIRLINE BUS COMPANY, a corporation,)
for permission to extend its)
operations as a passenger stage)
corporation, and for a certificate)
of public convenience and necessity)
to operate a passenger stage service)
for the transportation of passengers,)
baggage, newspapers and express,)
between Taft, Maricopa and Cuyama, and)
all intermediate points.)

Application No. 29755

Douglas Brookman, for Thomas L. Garrett, applicant in Application No. 29610 and interested party in Application No. 29755; and for Pacific Greyhound Lines, protestant (in part) in Application No. 29639. (1)

Marion A. Smith, for Charles Wash, applicant in Application No. 29639; protestant in Applications Nos. 29610 and 29755. (2)

(1) Pacific Greyhound Lines protested that part of Application No. 29639 concerning the proposed service between Santa Maria and Camp Cooke.

(2) While Wash appeared as a protestant to Applications Nos. 29610 and 29755, he did not put in evidence in support of such position.

Wallace L. Ware and James J. Broz by James J. Broz, for Airline Bus Company, applicant in Application No. 29755; protestant (in part) in Application No. 29639 (3) and interested party in Application No. 29610.

R. W. Thomas, Regional Manager, Pacific Greyhound Lines, protestant (in part) in Application No. 29639. (1)

O P I N I O N

Thomas L. Garrett, doing business as Cuyama Bus Line, requests a certificate of public convenience and necessity to operate a passenger stage service between Santa Maria and Maricopa via Cuyama.

Charles Nash, doing business as Santa Maria Transit Lines, requests a certificate of public convenience and necessity to operate a passenger stage service between Santa Maria and Camp Cooke; and between Santa Maria and Taft via Cuyama.

Airline Bus Company requests a certificate of public convenience and necessity to extend its passenger stage service from Taft to Cuyama via Maricopa.

These three applications were consolidated. A public hearing was held in Santa Maria on October 26, 1948, before Examiner R. K. Hunter.

During the hearing Applicant Nash amended his application by withdrawing his request for a certificate of public convenience and necessity to serve between Santa Maria and Taft.

(3) Airline Bus Company protested that part of Application No. 29639 concerning the proposed service between Santa Maria and Taft; however, this part of the application was withdrawn at the hearing.

Applicant Garrett also amended his application by eliminating the request for authority to serve between Cuyama and Maricopa.

Application No. 29639

By this application, as now amended, Charles Nash seeks authority to operate only between Santa Maria and Camp Cooke, which is located approximately 23 miles southwesterly of Santa Maria. The Commanding Officer of the camp testified that the U. S. Army had plans to receive and train Army personnel at this camp commencing sometime after the first of the coming year. An army disciplinary barracks is now located there also. The army personnel at the camp number approximately 650 and in addition there are 170 civilian employees.

The evidence showed that several months ago the Federal Government commenced to rehabilitate Camp Cooke for use as an Army receiving and training center but that a short time before the hearing herein work was discontinued because of lack of funds. No evidence was introduced as to when the work of rehabilitation would be resumed but the Commanding Officer testified that he knew of no change in the plan to receive and train army personnel at the camp. It was estimated that about 15 or 20 persons who work at the camp reside in Santa Maria and make use of private transportation to and from work. There was no evidence to show how many would actually use the proposed service if it were established.

Protestant, Pacific Greyhound Lines, presently holds a certificate of public convenience and necessity authorizing operation of a passenger stage service between Santa Maria and Camp Cooke. It now operates one schedule each way daily between these two points. The arrival and departure times of this run are not convenient for employees or personnel who commence their

employment at 8 a.m. and conclude it at 5 p.m. However, this protestant introduced evidence showing that it is ready, able and willing to provide, on 24 hours notice, additional service between Santa Maria and Camp Cooke should it be needed or requested by the camp authorities. Its representatives have communicated regularly with Camp Cooke authorities in connection with service needs and the latter have not requested additional schedules. Therefore, protestant concludes none have been required up to the present time.

The evidence fails to show affirmatively that public convenience and necessity require the granting of the certificate requested by Applicant Nash.

Applicant Nash moved, at the conclusion of the testimony, that the Commission hold this application open for possible further hearing and that no decision be rendered for 60 days. The protestant, Pacific Greyhound Lines, opposed the granting of this motion on the grounds that this application should not be held open indefinitely but should be decided upon the evidence before the Commission at this time and further, that the applicant would not be prejudiced as he may file another application at any time if in his judgment such a course of action seems justified. Applicant has such a right, hence his motion will be denied.

Application No. 29610 and Application No. 29755

Applicant Garrett now seeks by his application, as amended, only the right to operate between Santa Maria and Cuyama. Airline Bus Company, which has operative rights between Taft and Maricopa, seeks to extend its authority so it may render service between Taft and Cuyama via Maricopa.

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No common carrier service is presently available between Cuyama and either Santa Maria, Taft or Maricopa.

Recently, an oil field has been developed in the vicinity of Cuyama and new wells are being drilled. Agricultural activity has been substantially stimulated by the development of new sources of water. The population and business activity of the area have materially increased and give promise of continued growth. Many of the workers in the Cuyama area live in Santa Maria, Taft or Maricopa. Also workers and residents in this area need common carrier transportation to enable them to travel to these towns for shopping and recreation.

The schedules of the proposed services of the two applicants will be coordinated so as to permit the interchange of through passengers between Santa Maria and Taft or Maricopa at Cuyama with a minimum of delay or layover. It is proposed to base fares on 3.5 cents per mile. The route for the most part traverses a rather hilly or mountainous territory.

There was no opposition to the granting of either of these two applications.

After reviewing the evidence of record the Commission finds that public convenience and necessity require that certificates be granted authorizing the establishment of the proposed services.

Thomas L. Garrett 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 as to the number of rights which may be given.

O R D E R

A public hearing having been had and, based upon the evidence adduced and the conclusions and findings set forth in the opinion,

IT IS ORDERED:

(1) That Application No. 29639 for a certificate of public convenience and necessity to operate a passenger stage service between Santa Maria and Camp Cooke be and it is hereby denied.

(2) That a certificate of public convenience and necessity is hereby granted to Thomas L. Garrett 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 passengers, baggage, and shipments of express weighing not to exceed 100 pounds each transported on passenger carrying vehicles only, between Santa Maria and Cuyama and all intermediate points.

(3) That a certificate of public convenience and necessity is hereby granted to Airline Bus Company authorizing the establishment and operation of service as a passenger stage

corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers, baggage, newspapers, and shipments of express not to exceed 100 pounds each on passenger carrying vehicles only, between Maricopa and Cuyama and all intermediate points as an extension of and to be consolidated with its existing operative rights.

(4) That in providing service pursuant to the certificates herein granted, Applicants Garrett and Airline Bus Company shall comply with and observe the following service regulations:

- (a) Each applicant shall file a written acceptance of the certificate herein granted within a period of 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, each applicant shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79, 80 and 93-A, by filing, in triplicate, and concurrently making effective appropriate tariffs and time schedules.
- (c) Subject to the authority of this Commission to change or modify it by further order, Applicant Garrett shall conduct operations between Santa Maria and Cuyama via U. S. Highway 101 and State Highway 166, and Applicant Airline Bus Company shall conduct operations between Maricopa and Cuyama via State Highway 166.

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

Dated at San Francisco, California, this 9th day of November, 1948.

R. T. [Signature]
Julius J. Craven
Irving K. [Signature]
Kenneth [Signature]

COMMISSIONERS