

Decision No. 42632**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 SIDNEY S. SUTHERLAND for certificate  
 of public convenience and necessity  
 to operate a passenger transportation  
 service, as a common carrier, between  
 Big Bear Park Board Bar-Tow and Big  
 Bear Park Board Chair-Lift, in the  
 County of San Bernardino, State of  
 California.

Application No. 30027

O P I N I O N

. Applicant requests authority to establish and operate a common carrier service, as a "passenger stage corporation", for the transportation of skiers and their skiing equipment between the town of Big Bear, County of San Bernardino, and the ski-tows known as the Big Bear Board Bar-Tow and the Big Bear Board Chair-Lift, each located approximately seven-tenths of a mile from said town.

In the performance of this service applicant will use "Weasels", of Studebaker make, being the type of crawler or amphibious equipment used in the recent war. He now owns two of these motor vehicles.

Applicant is financially responsible and is experienced in the performance of the service as proposed. The operation will be partially over public streets or highways between fixed termini and over regular routes.

One-way fares of 40 cents between Big Bear and the ski-tow and chair-lift and 10 cents for the return trip are proposed.

There will be no additional charge for transporting the usual skiing equipment.

The service will be available daily on an "on call" basis between the hours of 8:00 a.m. and 6:00 p.m., only during the winter or skiing season.

As justification for the granting of a certificate of public convenience and necessity, applicant states that there is a public demand and need for a transportation service, as proposed, to accommodate the skiers and others who annually visit the Big Bear area for winter sports. Civic and business interests of Big Bear are also interested in the establishment of this service. The application is not opposed.

Upon full consideration of this matter the Commission is of the opinion and finds that public convenience and necessity require that this application be granted. A public hearing is not necessary.

Sidney S. Sutherland 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

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 be, and it hereby is, granted to Sidney S. Sutherland, an individual, authorizing him to establish and operate a service as a "passenger stage corporation" as defined in Section 21 of the Public Utilities Act, for the transportation of persons, between the town of Big Bear, on the one hand, and the Big Bear Park Board Bar-Two and Chair-Lift, on the other hand, and intermediate points, subject to the following restrictions and conditions.

- (a) That the service shall be operated only during the winter season, primarily for the transportation of skiers and their equipment.
- (b) That motor-vehicle equipment of the weasel and crawler type shall be used.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) Applicant shall, within sixty (60) days from the effective date hereof and upon not less than five (5) days' notice to the Commission and the public, 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, tariffs and time schedules satisfactory to the Commission.

- (c) Subject to the authority of this Commission to change or modify such at any time, Sidney S. Sutherland shall conduct said passenger stage operation over and along the following described routes:

Beginning at the intersection of Big Bear Lake Boulevard & Pine Knot Avenue, thence along Pine Knot Avenue and Cameron Drive to Ski-Tow or Chair-Lift.

Also, beginning at the intersection of Big Bear Lake Boulevard & Pine Knot Avenue, thence along Big Bear Lake Boulevard, Knickerbocker Road, Cameron Drive, and Cherry Lane to Chair-Lift.

Also, return via either route.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of March, 1949.

R. Z. Indurana  
Justus J. Caceres  
Walter Lowell  
James H. Potter  
Harold P. Kula  
Commissioners