

ORIGINAL

Decision No. 42633

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
M. R. WOODS, an individual, for a )  
certificate to operate a passenger ) Application No. 30105  
stage service between Monte Rio and )  
Sebastopol and intermediate points.)

O P I N I O N

This is an application by W. R. Woods for a certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers, baggage, newspapers, and shipments of express not exceeding 100 pound each transported on passenger carrying vehicles only, between Monte Rio and Sebastopol and all intermediate points including Camp Mecker, Occidental, and Freestone, via unnumbered county highways known generally as Bohemian Highway between Monte Rio and Freestone and Bodega Highway between Freestone and Sebastopol. The particular points proposed to be served are within the Russian River region and the general area has a substantial permanent population which is greatly increased during the summer months.

Many of the residents and business concerns located at points along the route have requested the applicant to establish the proposed service. It appears that its establishment would greatly facilitate travel to and from Sebastopol for business and other purposes via the shortest and most direct route. Further, it would connect with Pacific Greyhound Lines at that point.

There is no common carrier service available along the

proposed route except a service during the summer months only between Monte Rio and Occidental operated by Pacific Greyhound Lines. The latter has advised that it does not protest the granting of this application.

The proposed passenger fares are generally based on a scale approximating 3 cents per mile. The express rates proposed are the same as those assessed by Pacific Greyhound Lines in the same general area and are subject to the same rules and regulations except that no C.O.D. shipments will be handled. Newspapers will be transported at the rate of 1 cent per pound, minimum charge 15 cents.

Applicant proposes to acquire and operate a bus with a seating capacity of approximately 21 passengers equipped also for the transportation of baggage and express. Applicant alleges that his net worth is approximately \$6,000 and that he is in a position to acquire whatever automotive equipment is necessary to conduct the proposed operation.

From the facts of record we conclude that public convenience and necessity require that the application be granted. A public hearing does not appear to be necessary.

M. R. Woods 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

Good cause appearing,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to M. R. Woods authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers, baggage, newspapers, and shipments of express not exceeding 100 pounds each in weight on passenger carrying vehicles only, between Monte Rio and Sebastopol and all intermediate points.

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

- (a) 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, 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 shall conduct operation over the following route:

Commencing at Monte Rio, thence over an

unnumbered county highway, generally known as Bohomian Highway to Freestone, thence via an unnumbered county highway, generally known as Bodega Highway to Sebastopol.

The effective date of this order will be 20 days after the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of March, 1949.

R. B. [Signature]  
Justice D. [Signature]  
[Signature]  
[Signature]

COMMISSIONERS