

Decision No. 42964

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
GEORGE W. GILSON and FRANK J. DAHM,)	
for certificate of public convenience)	Application No. 30228
and necessity to operate a bus line)	
between Huntington Beach and Santa Ana.))	

O P I N I O N

George W. Gilson and Frank T. Dahm, copartners, have applied for a certificate of public convenience and necessity, authorizing them to establish a passenger stage service between Santa Ana and Huntington Beach, subject to a restriction against the handling of local traffic along a portion of the proposed route. The proposed route, generally, is easterly from Santa Ana along West First Street and Bolsa Avenue to Huntington Beach Boulevard, thence southerly along said boulevard (U.S. Highway 39) to Huntington Beach. The distance is approximately fourteen miles.

Applicants propose to schedule five round trips. Six fare zones will be established with a ten-cent fare for the first zone and five cents for each additional zone. A 1944, 27-passenger Ford Transit bus and a Dodge coach or a 33-passenger Flexible bus will be used in performing the service. The partnership assets consist of a \$4,000 equity in a residence, the Ford Transit bus, a lease on the Dodge coach, and \$500 in cash. No liabilities are listed.

As justification for granting the certificate, applicants state that the proposed line will establish a direct service between

the two principal cities in Orange County and provide service for intermediate communities of Bolsa, Midway City, Boulevard Gardens, Ocean View, and North Huntington Beach; that the populations of Santa Ana and Huntington Beach are approximately 50,000 and 6,000, respectively; that the intervening area has a population of several thousand; that no direct or convenient service is now available between the points proposed to be served, except that along Bolsa Avenue a service is provided by another carrier.

The application is not opposed provided a restriction forbidding local service along Bolsa Avenue and West First Street is imposed as the Pacific Electric Railway Company operates its Long Beach-Riverside route along or closely parallel to this portion of applicant's proposed route. The Santa Ana Bus Line, a city carrier, also closely parallels the proposed route easterly of the intersection of Daisy Avenue and First Street.

The Commission having fully considered this matter, is of the opinion and finds that public convenience and necessity require that the proposed service be established and operated subject to the conditions and restrictions as hereinafter set forth.

A public hearing is not necessary.

Applicants are, and each is, hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be 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 granting 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.

ORDER

Application 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 hereby is, granted to George W. Gilson and Frank T. Dahm, copartners, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 1/4 of the Public Utilities Act, for the transportation of persons between the cities of Santa Ana and Huntington Beach, and intermediate points, subject to the following restriction:

Applicants shall not carry passengers having both origin and destination between the intersection of Bolsa Avenue & Huntington Beach Boulevard and applicant's Santa Ana terminal, both points inclusive.

(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 after the effective date hereof.
- (b) Applicant shall, within sixty (60) days after 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, George W. Gilson and Frank T. Dahm, copartners, shall conduct said passenger stage operation over and along the following described route:

Beginning at the terminal at Third and Spurgeon Streets in the city of Santa Ana, thence southerly along Spurgeon Street to Second Street, thence westerly along Second Street to Main Street, thence southerly along Main Street to First Street, thence westerly along First Street and Bolsa Avenue to Huntington Beach Boulevard, thence southerly along Huntington Beach Boulevard (U.S. Highway 39) to 17th Street, in the city of Huntington Beach, thence southwesterly along 17th Street to Delaware Avenue, thence southerly along Delaware Avenue to Frankfort Street, thence westerly along Frankfort Street to Main Street, thence southwesterly along Main Street to Ocean Avenue (U.S. Highway 101 Alternate), thence westerly along Ocean Avenue to 5th Street, thence northeasterly along 5th Street to its intersection with Main Street.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic rules.

The effective date of this Order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 7th day of June, 1949.

R. B. [Signature]

[Signature]

[Signature]

[Signature]
COMMISSIONERS