

ORIGINAL

Decision No. 43096

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
DELANO BUS LINE for a certificate of)	
public convenience and necessity to)	Application No. 30149
extend and reroute its present opera-)	
tion in the City of Delano and vicinity.))	

In the Matter of the Application of)	
DELANO BUS LINE for a certificate of)	
public convenience and necessity to)	Application No. 30220
establish a new passenger stage line)	
to be known as Route 2.)	

O P I N I O N

Applicant, W. W. Metter, doing business as Delano Bus Line, now operates a passenger stage service in the City of Delano and vicinity (Decisions Nos. 39485 and 40375). Said operative rights were acquired by him from Lloyd B. Mast, pursuant to authority granted by this Commission in Decision No. 40530, in Application No. 28571.

By Application No. 30149, applicant requests authority to reroute his present service in the City of Delano and vicinity, and by Application No. 30220, authority is sought to establish a new route to Camp 18, on the Sierra Vista Ranch, situated approximately four miles northeasterly of the City of Delano.

By a supplement to each of said applications, applicant requests that he be permitted to discontinue and abandon service along portions of the route heretofore authorized.

The City of Delano has approved the proposed changes and no other public carriers perform a local or competitive service.

As justification for the proposed rerouting, applicant states that many persons who do not now have public transportation reside along the proposed route; that school children will be more conveniently served; that many requests have been received for the proposed service because present transportation by taxicab is too expensive; and, that the proposed change is in the public interest.

As justification for the establishment of a new route to Camp 18 on Sierra Vista Ranch, applicant states that employees of said ranch, working and living along the proposed route, require public transportation to and from the City of Delano and that no public transportation is now available.

The proposed discontinuance of service between the intersection of Cecil Avenue & Norwalk Street, and the intersection of County Line Road & Zachary Road, is justified in the interests of economy as the patronage along said route is very light.

Applicant proposes to establish three fare zones with fare breaks at the intersection of Cecil Avenue & Browning Road and at the intersection of Burum Road & Camp 18 Road. The outer Zone 3 fare will be 5 cents, with a fare of 10 cents for Zones 1 and 2. Children, when in company with an adult member of the family, will be charged half fare.

The Commission, having considered said application, is of the opinion and finds that public convenience and necessity require the establishment and operation of a passenger stage service, as proposed.

In order to clarify applicant's operating rights and eliminate the inconvenience of repetitious reference to past decisions, the Commission will grant applicant a new certificate of public convenience and necessity in lieu of the certificates heretofore granted.

W. W. Metter 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

Applications having been filed and considered, and 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 W. W. Metter, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of persons, between the City of Dolano, on

the one hand, and Camp 18, Tulare County (near the intersection of Camp 18 Road & CVA Road), and Olive Grove Camp, Kern County (near the intersection of Olive Camp Road & Wallace Road), and intermediate points.

(2) That in providing service pursuant to the certificates 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 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, W. W. Metter shall conduct said passenger stage operation over and along the following described route:

Beginning at the intersection of 11th Avenue & Main Street, thence along 11th Avenue, Freemont Street, 14th Avenue, Clinton Street, 13th Avenue, Ellington Street, 4th Avenue, Glenwood Street, 1st Avenue, U. S. Highway 99 (High Street), 9th Avenue, Jefferson Street, 11th Avenue, Main Street, Cecil Avenue, Zachary Road, Foreman's Road, Camp 1 Road, Italian Camp Road, Camp 4A Road, Olive Camp Road, Wallace Road, Burum Road, Camp 18 Road to Camp 18 near the intersection of Camp 18 Road & CVA Road.

Also, beginning at the intersection of Cecil Avenue & Browning Road, thence along Browning Road, County Line Road, Camp 18 Road to its intersection with Burum Road.

Also, along Jefferson Street between 11th Avenue and Cecil Avenue.

Applicant is authorized to turn his 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.

(3) That the foregoing certificate is granted in place and stead of, and shall supersede all "passenger stage" common carrier operative rights heretofore granted by Decisions Nos. 39485 and 40375, on Applications Nos. 27832 and 27832, 1st Supplemental, respectively, and said operative rights are hereby annulled and revoked.

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

Dated at San Francisco California, this 6th day of July, 1949.

R. T. Johnson

Joseph H. Kuehl

Harold P. Kulo

Herbert H. Potter

COMMISSIONERS