

ORIGINAL

Decision No. 43124

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JENNIE M. GOULDING for certificate)
of public convenience and necessity)
to operate a passenger, baggage,)
express and freight service, as a)
common carrier, between Lucerne)
Valley, California, and Victorville,)
California.)

Application No. 30054
Amended and Supplemental

Mr. C. P. Monningh and Mr. James L. King,
Attorneys, for applicant; Mr. William J.
Johnstone, for Stuart James Lull, protestant;
Mr. Arthur H. Glanz, for Victorville-Barstow
Truck Lines, protestant.

O P I N I O N

Jennie M. Goulding requests a certificate of public convenience and necessity authorizing her to establish and operate service as a passenger stage corporation, as defined in Section 2 $\frac{1}{4}$ of the Public Utilities Act, for the transportation of passengers, baggage, and shipments of express on passenger-carrying vehicles, and for the carriage of such express and freight by auto truck, or other self-propelled vehicle, as a highway common carrier, as defined in Section 2 $\frac{3}{4}$ of the Public Utilities Act, between the community of Lucerne Valley, on the one hand, and the city of Victorville, San Bernardino County, on the other hand, and intermediate points, and also an on-call service for said operations within a distance of 10 miles on each side of State Highway No. 18 between said terminals and within a radius of 12 miles of said community of Lucerne Valley.

Public hearings were held at Victorville on April 29, June 6, and June 24, 1949, before Examiner Rowe, at which time evidence, both oral and documentary, was adduced and the matter submitted for decision.

According to the testimony, applicant owns and proposes to use a 1941 Plymouth DeLuxe Station Wagon in the operation of her passenger, baggage and express service. She proposes also to use a 1948 Studebaker 1½ ton truck in the operation of the freight service.

By stipulation with Victorville-Barstow Truck Lines, applicant has agreed that any certificate issued her shall be restricted to the carriage of freight in amounts of not to exceed 200 pounds for any one consignor to any one consignee per trip.

The certificate of public convenience and necessity heretofore granted to protestant Stuart James Lull⁽¹⁾, upon application filed subsequent to that of the present applicant, being limited to the carriage of passengers in his station wagon while carrying mail under his contract with the United States Government, does not permit a service adequate to meet the public need for passenger transportation between the termini here involved and, consequently, there is, and will be, an unsatisfied public need and convenience for the service proposed by applicant, which can be coordinated with the Greyhound Bus service from Los Angeles and other points to Victorville.

After full consideration of this matter, we find, as a fact, that public convenience and necessity require the proposed operation for the transportation of passengers, express, and small packages of freight, limited as above stated.

(1) Decision No. 43052, in Application No. 30229.

Jennie M. Goulding 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

Public hearings having been held in the above-entitled matter, 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 Jennie M. Goulding, 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 passengers and their baggage or express, when such baggage or express is transported incidental to the transportation of passengers, along State Highway No. 18, between Lucerne Valley and Victorville, in San Bernardino County, and an on-call passenger stage service within a distance of 10 miles on each side of said State Highway No. 18 and within a radius of 12 miles around the community of Lucerne Valley.

(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Jennie M. Goulding, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, for the transportation of express and freight by auto truck, or other self-propelled vehicle, not operated upon rails, for compensation, on State Highway No. 18, between Victorville and Lucerne Valley, and intermediate points, and an on-call service for the transportation of both express and freight over the public highways within a distance of 10 miles on each side of said State Highway No. 18 and within a radius of 12 miles around the community of Lucerne Valley, subject to the following restriction:

Any express and freight transported under this certificate shall be limited to 200 pounds, per trip, from any one consignor to any one consignee.

(3) 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 certificates herein granted within a period of not to exceed thirty (30) days from 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 Orders Nos. 79, 80, and Part IV of 93-A, by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Jennie M. Goulding shall conduct operations pursuant to the certificates herein granted over and along

the following route and within the hereinafter described territory:

The scheduled service between Victorville and Lucerne Valley shall be operated over and along State Highway No. 18.

The on-call service, both as to passengers, baggage, express and freight shall be operated over the most appropriate public roads, streets and public highways within the territory lying within 10 miles on each side of said State Highway No. 18, between said termini, and within a radius of 12 miles from Lucerne Valley.

Applicant is authorized to turn her motor vehicles at termini and intermediate points, in either direction, at intersections of streets or roads by operating around a block contiguous to such intersection, 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 12th day of July, 1949.

R. F. Interman
Justice F. Coe
Justice L. L. Luce
Harold P. Huber
Kenneth L. Potter
 COMMISSIONERS