

ORIGINAL

Decision No. 42507

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
M & W BUS LINES, INC., a California) Application No. 30613
corporation, for the removal of)
restrictions and rerouting.)

O P I N I O N

By this application, as amended, M & W Bus Lines, Inc., requests (1) that a condition, imposed during the war, terminating the authority to operate its passenger stage service "one hundred and eighty (180) days after the cessation of present hostilities" be removed or rescinded, and (2) authority to discontinue a portion of its operations.

Applicant has continued to operate under its wartime certificate and now conducts a transportation service between the City of Santa Ana and the U. S. Marine base near El Toro, serving the intermediate point of Tustin. Need for the continuance of this service is indicated by applicant's passenger revenue for the four days of September 25 to 28, 1949, inclusive, which was \$228.60, or an average daily revenue of \$57.15. The daily average was 270 passengers.

Applicant has been operating only one trip daily over portions of its authorized route due to lack of patronage. It proposes to abandon service to the Naval Air Station and the town of Irvine, and also along Fourth Street in the City of Santa Ana. Only one passenger daily has been transported on the Naval Air

Station and Irvine route. Officials of the City of Santa Ana have requested discontinuance of the Fourth Street route.

Applicant proposes to continue in effect, tariffs now on file with this Commission, containing its rates, rules and regulations.

The application is not opposed, and as it appears to be in the public interest, it will be granted. A public hearing is not necessary.

For clarification, applicant will be granted an in lieu certificate in place and stead of its present operating authority.

M & W Bus Lines, Inc. 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 having been made, the Commission being fully advised in the premises, and finding 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 M & W Bus Line, Inc., a corporation, 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 Santa Ana and the U. S. Marine base near El Toro, and intermediate points.

(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, M & W Bus Line, Inc., a corporation, shall conduct said passenger stage operation over and along the following described routes:

Beginning at its depot on East Third Street, in the City of Santa Ana, thence along Third Street, Main Street, First Street, Prospect Avenue, U. S. Highway No. 101, Trabuca Avenue to the entrance of the U. S. Marine Base, and returning via same route to the intersection of First Street & French Street, thence along French Street, Third Street to its depot.

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.

(3) That Decisions Nos. 35941, 36289, and 36724 be, and they hereby are, revoked and annulled.

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

Dated at San Francisco, California, this 17th day of November, 1949.

R. Z. Indurman
Justice J. Cramer
Robert L. Lawrence
Harold Hule
Herbert L. Potter
COMMISSIONERS