

Decision No. 42896

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of EUGENE V. MYERS, for Certificate)	
of Public Convenience and Necessity)	
to Operate a Passenger Stage Service)	Application No. 31048
as a Common Carrier, between El Centro,)	
California, and El Centro Naval Air)	
Station.)	

O P I N I O N

In this proceeding, Eugene V. Myers seeks a certificate of public convenience and necessity authorizing the transportation of passengers and their baggage between El Centro, California, and the El Centro Naval Air Station, which is about nine miles westerly of the City of El Centro. Applicant does not propose to serve any intermediate points.

Applicant plans to operate two daily round trip schedules which would coincide with the present schedules of the commercial airlines using the naval air station. Additional schedules would be established as required to connect with any other airline schedules. Applicant has one Cadillac Sedan which would be used to provide the proposed service. According to Exhibit "A", attached to the application, the proposed one-way fare would be \$1.00.

As justification for the authority sought, it is alleged that there is no existing public service between El Centro and the naval air station excepting taxicabs; that he has been informed by the airlines that such taxicab service has proved unsatisfactory as there has been no coordination of that service with the arrivals and departures of airplanes at the air field; and that there is an immediate public need for the establishment of the service proposed by applicant.

After full consideration of applicant's proposal, it is our conclusion and we so find that public convenience and necessity require the establishment of the service as proposed. The application will be granted. A public hearing is not necessary.

Eugene V. Myers 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

An application having been made as above entitled, the Commission being fully informed 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 is hereby granted Eugene V. Myers, authorizing the establishment and operation of service as a passenger stage carrier, as that term is defined in Section 2-1/4 of the Public Utilities Act, for the transportation of passengers and their baggage between El Centro and the El Centro Naval Air Station.

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

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 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 and 93-A by filing in triplicate and concurrently making effective, appropriate tariffs and time tables.
- (c) Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along U. S. Highway 80 and the County Road between such highway and the 21 Centro Naval Air Station.

✓ The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 7th day of March, 1950.

R. J. [Signature]
Justice J. [Signature]
[Signature]

[Signature]
 Commissioner
 Harold P. [Signature] Commissioner, being necessarily absent, did not participate in the disposition of this proceeding.