

Decision No. 44007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM D. MONETT for certificate of)
public convenience and necessity to)
operate passenger and express service)
between Tomales, California, and)
Sonoma, California.)

Application No. 31052

O P I N I O N

In the above-entitled application, as amended, William D. Monett, doing business as Coast-Valley Lines, requests a certificate of public convenience and necessity authorizing the establishment and operation of passenger stage service for the transportation of passengers and express between Tomales and Sonoma and intermediate points via Two Rock Ranch, Petlauma and Sonoma Junction.

Shipments of express would be limited to 100 pounds each and would be transported on passenger carrying vehicles only. The distance between Tomales and Sonoma is approximately 30 miles. The proposed one-way fare between these points would be \$1.50 and the round-trip fare would be 180% of the one-way fare. The fares proposed between other points would be in proportion to these fares. Initially applicant proposes to operate one round trip daily and three round trips daily except Sundays and holidays between Sonoma and Petaluma. Between Petaluma and Tomales, he proposes to establish one round trip daily and three round trips daily except Sundays and holidays. Applicant proposes to use a 1940-year model Cadillac which has a seating capacity of twelve passengers. According to applicant's financial statement he has a net worth of approximately \$3500, more than \$2000 of which is represented by cash.

The application, as amended, states in substance that transportation of express would be incidental to the transportation of passengers; that the volume of shipments would be small; that the gross annual operating income therefrom would probably be not to exceed \$200, and that the cost of preparation of tariffs would be disproportionately high in relation to the expected income. Applicant proposes to assess the following charges for the transportation of express between all points:

Not over 20 pounds-----	50 cents
Over 20 not over 40 pounds-----	55 cents
Over 40 not over 60 pounds-----	65 cents
Over 60 not over 80 pounds-----	75 cents
Over 80 not over 100 pounds-----	85 cents

The proposed charges would be in lieu of the minimum charges prescribed by the Commission for such transportation by Decision No. 31606, as amended, in Case No. 4246 (superseded by Case No. 4808). He requests authority to establish those charges.

While the proposed basis of charges will produce charges lower in volume than prescribed by Decision No. 31606, as amended, it appears that applicant's proposed operation is comparable to that of carriers heretofore accorded authority in Case No. 4246 and Case No. 4808 to depart from the established basis of rates for shipments weighing 100 pounds or less. Under the circumstances and conditions, asserted to exist, applicant will be exempted from the provisions of minimum rates prescribed by Decision No. 31606, as amended.

Mendocino Transit Company operates over that portion of applicants proposed route which is between Petaluma and Two Rock Junction and has waived any protest to the granting of the application. Pacific Greyhound Lines operates over that portion of

applicants proposed route between Sonoma and Sonoma Junction between which points applicant does not propose to provide local service. Pacific Greyhound Lines has likewise waived protest to the granting of the application.

After full consideration of the evidence offered by applicant in support of his request, the Commission is of the opinion and concludes that public convenience and necessity requires the proposed operation. Therefore, the application will be granted. A public hearing is not necessary.

William D. Monett 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 therefor having been filed, the Commission being fully informed therein and it having been found that public convenience and necessity require the proposed operation,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to William D. Monett authorizing the establishment

and operation of service as a passenger stage corporation, as that term is defined in Section 2-1/4 of the Public Utilities Act, for the transportation of passengers and shipments of express weighing not in excess of 100 pounds each on passenger carrying vehicles only, between Tomales, Sonoma, and intermediate points, via Two Rock Ranch, Petaluma and Sonoma Junction, provided that no local service may be performed between Sonoma and Sonoma Junction and points intermediate thereto.

(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 after 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, 80 and Part IV of 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 the following route:

Via State Route No. 12 between Sonoma and Sonoma Junction, thence over County highways via Lakeville, Old Adobe Junction, Petaluma, Straubville, and Two Rock Junction.

(3) That William D. Monett is hereby authorized to publish, for the transportation of shipments of property weighing 100 pounds or less, rates less than the minimum rates prescribed by Decision No. 31606, as amended, in Case No. 4246 (superseded by Case No. 4808) but not less than those shown in the amended application herein.

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

Dated at Los Angeles California, this 4th of April, 1950.

R. J. Anderson
Justin F. Craemer
Earl J. Russell
Harold P. Kille
Kenneth Potter
Commissioners