

Decision No. 44206

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TOM W. ROGERS and LEWIS W. DAVISON,)
 doing business as FRESNO-SOUTHERN)
 CALIFORNIA EDISON DAM NUMBER 7 STAGE)
 LINE, for a certificate of public)
 convenience and necessity to operate)
 as a passenger stage corporation)
 between Fresno, on the one hand, and)
 Southern California Edison Dam Number)
 7, and intermediate points, on the)
 other hand.)

Application No. 31263

O P I N I O N

Tom W. Rogers and Lewis W. Davison, doing business under the firm name and style of Fresno-Southern California Edison Dam Number 7 Stage Line, by the instant application, seek a certificate of public convenience and necessity authorizing them to transport passengers and baggage between Fresno and the proposed site of Dam Number 7, Big Creek Power House number 4 of Southern California Edison Company located on the San Joaquin River, and intermediate points, excluding any local service between Fresno and Auberry, inclusive.

(1)

Applicants propose to establish fares as set forth below. Children under six years of age, when accompanied by adult passengers and not occupying a seat to the exclusion of other passengers, will be transported without charge. Children between six and twelve years of age, inclusive, will pay one-half fare. No charge will be made

(1)	Passenger Fares in Cents - One Way					
Between and	Fresno	Pinedale	Clovis	Auberry	Wish-i-ah	Damsite
Fresno	-	-	-	-	.75	.90
Pinedale	-	-	-	-	.62	.80
Clovis	-	-	-	-	.52	.70
Auberry	-	-	-	-	.10	.25
Wish-i-ah	-	-	-	-	-	.25
Damsite	-	-	-	-	-	-

to carry hand baggage not in excess of 50 pounds for each adult fare and 25 pounds for each half fare.

Three round trips are scheduled daily beginning at 5:45 a.m. and ending at 2:30 a.m. A 23-passenger 1937 Twin Coach, having a 145 horsepower Hercules motor, is to be used.

A financial statement filed herein shows applicants' assets to be \$29,450, liabilities \$10,900, net worth \$18,550, of which \$550 is cash and \$18,000 is real property.

Applicants allege that the Southern California Edison Company has commenced the construction of a dam near the site of Big Creek Power House number 4; that approximately 800 men are employed at the dam site and many of them live along or near the route herein proposed; that no public transportation is available to the dam site; that applicants have been requested by many such employees, representatives of the Southern California Edison Company and the construction contractor to render such service; that a sanatorium for persons suffering from tuberculosis is located at Wish-i-ah; that there is no passenger stage corporation furnishing service between Fresno and Wish-i-ah; that the establishment of applicants' service will permit friends and relatives to visit patients at such sanatorium.

A copy of the application was served upon Huntington Stage Lines, a passenger and freight carrier operating between Fresno and Florence Lake via Clovis, Toll House, Pine Ridge, Auberry and Trimmer, but no protest has been received from that carrier. No other protests have been manifested.

The Commission, upon consideration of the facts and

circumstances, is of the opinion and hereby finds that public convenience and necessity require that this application be granted. A public hearing is not necessary.

Tom W. Rogers and Lewis W. Davison are 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 filed, the Commission being informed and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Tom W. Rogers and Lewis W. Davison authorizing them to establish and operate a service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$ of the Public Utilities Act, for the transportation of passengers and their baggage between Fresno and the proposed site of Dam 7, Big Creek Power House number 4 of Southern California Edison Company located on the San Joaquin River in Madera County, and intermediate points, subject to the restriction that no local service may be rendered for the transportation of passengers and baggage between Fresno and Auberry, both

points inclusive, nor between Fresno and Auberry, on the one hand, and intermediate points between Fresno and Auberry, on the other hand.

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

- a. Applicants 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. Within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicants shall 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, appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify them by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Beginning at the intersection of Belmont and Blackstone Avenues (U. S. Highway 41) in the City of Fresno, thence via Blackstone Avenue, Herndon Avenue, Clovis Avenue, to Clovis, thence via Clovis Avenue, Herndon Avenue, Minnewawa Avenue, Auberry Road, Wish-i-ah, thence across the San Joaquin River between Auberry and Northfork, thence via unnumbered road to proposed Southern California Edison Dam number 7.

Applicants may turn their motor vehicles at termini either in the intersection of the street or by operating around a block in either direction, 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 23rd day
of May, 1950.

A. F. Indurain
Justice F. C. Cullen
Chief Justice
Harold P. Kuhl

COMMISSIONERS

Commissioner Kenneth Patton, being
necessarily absent, did not participate
in the disposition of this proceeding.