

ORIGINAL

Decision No. 44210

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 EUGENE V. MYERS, for a certificate )  
 of public convenience and necessity )  
 to operate a passenger stage service ) Application No. 31048  
 as a common carrier, between El Centro, ) as amended  
 California, and El Centro Naval Air )  
 Station. )

C. Wesley Dickenson for applicant. Robert J. Edwards  
 for Economy Transit Lines, protestant.

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 Western Air Lines hangar at the El Centro Naval Air Station. This air station is about nine miles westerly of the city of El Centro. Applicant proposes to limit service to those persons having to do with the flight of airplanes to and from that hangar.

As justification for the authority sought, the application alleged that there was no existing public service between El Centro and the Naval Air Station. Relying upon this allegation, an ex parte order (Decision No. 43896, rendered March 7, 1950) granted operating authority to applicant. Such operating authority was revoked by Decision No. 44021, dated April 4, 1950, because it was felt that, in view of the above-stated material misrepresentation, a public hearing should be held so that the bus line

operating between El Centro and the air station might have the opportunity to be heard.

Public hearing on this application was, therefore, held before Examiner Rowe on May 10, 1950, at El Centro. Evidence, both oral and documentary, was adduced and the matter was argued, whereupon the application was submitted for decision.

The local station manager for Western Air Lines testified that neither the taxicab service available nor the transit bus service rendered by Economy Transit Lines had met the public convenience and necessity required for transporting air-line passengers between the hangar at the Naval Air Base and the city of El Centro.

Six public witnesses testified that there was a need for a rapid, direct, nonstop service between the air base and downtown El Centro which would be coordinated with airplane flights. These witnesses expressed a dislike for the use of buses carrying other passengers and making frequent stops on the way. Protestant does not presently serve the Western Air Lines hangar. Permission from the Government would be required for this purpose. Such permission is now possessed by applicant. To use protestant's bus involves, therefore, a walk of approximately a quarter mile to that company's loading area.

The need for the proposed service is immediate. Presently an on-call taxicab service is being used. After full consideration of the record, it is our conclusion and we find that public convenience and necessity require the establishment of the service as proposed. Because of the urgent need for the installation of

the service, the following order will become effective ten days after its date.

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

Public hearing having been held in the above-entitled proceeding, 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 the same hereby is, granted to Eugene V. Myers, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers and their baggage between the Barbara Worth Hotel and the Princess Hotel in the city of El Centro, on the one hand, and on the other hand, the Western Air Lines hangar at 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) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant 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, tariffs and time schedules satisfactory to the Commission.
- (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, from the city limits of El Centro to the air base, over and along U. S. Highway 80 and the County Road between such highway and said El Centro Naval Air Station.

The effective date of this order shall be ten days after its date.

Dated at San Francisco, California, this 29th day of May, 1950.

R. E. [Signature]  
Justice F. [Signature]  
[Signature]  
Harold P. [Signature]

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