

ORIGINAL

Decision No. 44731

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 connecting service trans-)
porting air freight and express as)
a common carrier by highway between)
El Centro, California, and Western)
Air Lines hangar in El Centro Naval)
Air Station.)

Application No. 31536

O P I N I O N

Eugene V. Myers requests permission to establish a service as a highway common carrier transporting air freight and express by highway between the city of El Centro, California, and the hangar of Western Air Lines in El Centro Naval Air Station without intermediate stops.

Applicant now holds a certificate of public convenience and necessity to operate a passenger stage service between the points sought to be served in said application, and proposes usually to carry such air freight and express parcels in the same equipment in which he presently carries passengers.

The proposed operation covers only the air freight transported by Western Air Lines to and from its Naval Air Station hangar, destined to or emanating from the city of El Centro.

Applicant proposes to enter into an arrangement with Railway Express Agency to furnish them with this connecting

service over the highway. The only other passenger stage corporation operating in the general area, Economy Transit Company, has indicated to a member of the Commission's staff that it is not in a position to offer this service and so will not protest the granting of this application. Others stating they do not object to the proposed service are Pacific Motor Trucking Company, Pacific Freight Lines, and Southern California Freight Lines.

In our judgment, public convenience and necessity require the establishment of this proposed service. The application, accordingly, will be granted. This is not a matter requiring a public hearing.

Eugene V. Myers is 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 granting 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 as above-entitled, and the Commission now 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 Eugene V. Myers, authorizing the establishment and operation of service as a highway common carrier, as defined by Section 2 3/4 of the Public Utilities Act, for the transportation of general commodities between the city of El Centro, on the one hand, and the hangar of Western Air Lines in El Centro Naval Air Station, on the other hand, subject to the following limitation:

Said freight shall receive, in addition to the highway carrier movement provided by applicant, an immediately prior or subsequent movement by the aerial transportation facilities of Western Air Lines.

(2) That in the operation of the highway common carrier service as herein authorized, 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. 80 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, Eugene V. Myers shall conduct said highway common carrier operation over and along the following routes:

From the city limits of El Centro to El Centro Naval Air Station via U. S. Highway 80 to the dead-end county road connecting with said Naval Air Station, thence by said road to the station and within the station over appropriate roads and streets to the hangar of Western Air Lines.

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

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

R. B. [Signature]
James J. [Signature]

Harold P. [Signature]

Kenneth Potter
COMMISSIONERS