

ORIGINALDecision No. 47749

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RICHARD W. MERRILL for a certificate)
 of public convenience and necessity) Application No. 33661
 to operate a passenger service between)
 Yreka, California, and Happy Camp,)
 California.)

Samuel R. Friedman, for applicant.

O P I N I O N

Applicant requests a certificate of public convenience and necessity authorizing him to establish and operate a passenger stage service for the transportation of passengers between Yreka and Happy Camp and intermediate points along an unnumbered public highway generally following the Klamath River and an off-route point; Scott Bar, adjacent to Scott River. He proposes the use of an eight passenger limousine.

A public hearing was held before Examiner Rowe on September 11, 1952, at which time evidence was adduced and the matter was duly submitted for decision.

Applicant testified that he was the Star Route mail carrier between these same points and could, by the use of an eight passenger limousine he possessed, easily carry all anticipated passengers, as well as the United States mail. He also stated that he would meet all Commission requirements, including insurance coverage. He proposes to make one round trip daily except Sunday. The journey in each direction requires approximately 3½ hours to cover the 74 miles distance. There was no opposition to the application.

Applicant has the necessary experience and resources to adequately perform this service. Taken in conjunction with the performance of his mail contract, the operation should prove financially successful. Two public witnesses appeared and testified to the need for this passenger stage service. The Commission finds that public convenience and necessity require that the proposed service be performed.

Richard W. Merrill 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 right. 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 matter being under submission and the Commission having found 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 Richard W. Merrill, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, between Yreka, California, and Happy Camp, California, serving intermediate points along the Klamath River and the off-route point of Scott Bar.

(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 file in triplicate, and concurrently make effective, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following public highways:

U. S. Highway 99 and an unnumbered public road generally following the Klamath River and a like public road generally following the Scott River.

- (d) Applicant is authorized to turn his motor vehicles at termini and intermediate points, in either direction, at intersections of streets or roads, or by operating around a block contiguous to such intersections, 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 24th day of September, 1952.

[Signature]
 President

[Signature]
[Signature]

 Commissioners