

**ORIGINAL**Decision No. 48685

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ROBERT D. WEINBERG for certificate )  
 of public convenience and necessity )  
 to operate passenger service between ) Application No. 34293  
 the City of Tulare and urban areas )  
 about the City of Tulare in Tulare )  
 County. )

O P I N I O N

This application filed April 27, 1953 requests authority to establish and operate a passenger stage service for the transportation of passengers between the City of Tulare, California, and surrounding county areas. It alleges that there is no other like service between any of the points involved except taxi service.

As justification for his request applicant asserts that there are approximately 16,000 people residing in and about said city. He has been operating under permits from the city carrying persons within its limits for the past ten months and states that he has received many requests to extend his service into surrounding urban areas.

He proposes hourly service between 7:30 a.m. and 6:20 p.m. with 15 cent fares or two tokens for 25 cents for adults and 10 cents for all school children. Children under five will be carried free. Three routes are proposed. One is 4.8 miles, one is 5.8 miles and the third is 4.5 miles in length. No new equipment, insurance expense or personnel will be required for this enlarged service. His financial condition appears satisfactory to enable him to render the proposed service. With the additional revenue made available by this extension applicant's business has a better chance of becoming profitable.

An engineer on the Commission staff after making a study of the area and the data furnished by applicant has stated that in his opinion the application should be granted without a hearing. The Tulare Chamber of Commerce supports the application. The City of Tulare has been furnished with a copy of the application and its City Manager has written letters commending applicant and his transportation service and stating that the City Council supports this application.

The Commission finds that public convenience and necessity require the passenger stage service as proposed. A public hearing is unnecessary.

Robert D. Weinberg 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

Application therefor having been filed, 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 hereby is, granted to Robert D. Weinberg 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 for the transportation of passengers between points in the City of Tulare, on the one hand, and, on the other hand, three points in county territory as follows: (1) the intersection of Bardsley Drive and McIver Street, (2) the intersection of Barbara Street and Laspina Street, and (3) Center Avenue and Prosperity Avenue.

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

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- b. Within sixty days after the effective date hereof, and upon not less than five 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 the operations herein authorized at any time, said Robert D. Weinberg shall conduct said passenger stage operation over and along the following streets and highways:

Between the intersection of U. S. Highway 99 (also known as K Street) and Inyo Street in Tulare and the intersection of Bardsley Drive and McIver Street in county territory over and along Inyo Street, E Street, 3rd Street, Sacramento Street, Roosevelt Street, West Street, Corcoran Highway and Bardsley Drive. Also along J Street between Inyo Street and Tulare Street and along Inyo Street between Santa Clara Street and West Street.

Commencing and ending at the intersection of Tulare Street and K Street over and along Tulare Street, Laspina Street, Barbara Street, Edmond Street, Bardsley Road, Blackstone Avenue, Elm Street, R Street, Cedar Street, P Street, Bardsley Road, O Street, Levin Avenue, U. S. Highway 99 and in the city along said Highway also known as K Street.

Commencing and ending at the intersection of Tulare Street and K Street over and along Tulare Street, Los Angeles Street, San Joaquin Street, E Street, Pleasant Avenue, Center Avenue, Prosperity Avenue, Poplar Avenue, H Street, Bush Street and K Street. Also along Santa Clara Street between Inyo Street and Tulare Street.

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

Dated at Los Angeles, California, this 9th day of January, 1953.

A. J. [Signature]  
President  
James J. [Signature]  
Harold [Signature]  
Benjamin [Signature]  
John L. [Signature]  
Commissioners