

ORIGINAL

Decision No. 48891

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of NORTHERN TRANSPORTATION CO., a)
corporation, for a certificate of)
public convenience and necessity)
to operate as a highway common)
carrier for the transportation of)
property.)

Application No. 34433

O P I N I O N

Applicant herein is a highway common carrier presently transporting freight between Los Angeles and Death Valley Junction under authority of Decision No. 36711, dated November 16, 1943, on Application No. 25547 (45 C.R.C. 18). Authority is requested herein to extend these operations from Death Valley Junction to Stove Pipe Wells and intermediate points via State Highway 190.

The application alleges that for more than ten years last past applicant has been operating between Los Angeles and Death Valley Junction on a twice-weekly schedule. The Pacific Coast Borax Company operates a large hotel and auto camp at Furnace Creek, California, about thirty-three miles northwest of Death Valley Junction on State Highway 190, and approximately two miles from there the United States National Park Service maintains the headquarters of the Death Valley National Monument. At Stove Pipe Wells there is a hotel which is a winter resort. All of these places make

occasional demands upon applicant for carriage of freight. Attached to the application is a letter from Pacific Coast Borax Company requesting applicant's service.

The application further discloses that the proposed service will be performed approximately twice each week. The rates proposed to be charged are those established as minima by the Commission in Highway Carriers' Tariff No. 2.

Attached to the application is a balance sheet and income and expense statement. Likewise, there is attached a list of the equipment owned and operated by applicant. At the present time there is no common carrier service in the area proposed to be served.

Upon this record we find that public convenience and necessity require that Northern Transportation Co., a corporation, establish and operate a highway common carrier service for the transportation of general commodities between Death Valley Junction and Stove Pipe Wells via State Highway 190, as an enlargement and extension of its existing authority, and subject to the same limitations. A public hearing is not necessary.

Northern Transportation Co., a corporation, 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 as above entitled having been filed, the Commission being fully advised in the premises and hereby 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 Northern Transportation Co., a corporation, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between Death Valley Junction, on the one hand, and Stove Pipe Wells, on the other, via California State Highway 190, serving all intermediate points and the off-route point of Death Valley Monument headquarters located near Furnace Creek, as an enlargement of and extension to applicant's present operating authority as set out in Decision No. 36711, dated November 16, 1943, in Application No. 25547 (45 C.R.C. 18).

(2) That in providing service pursuant to the certificate herein granted, applicant 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 satisfactory to the Commission.

(3) The authority herein granted shall be subject to all of the limitations set out in Decision No. 36711, supra.

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

Dated at San Francisco, California, this 28th day of April, 1953.

[Signature]
President
Justus F. Calmes
Harold Huls
Samuel Pittel
Commissioners