

ORIGINAL

Decision No. 48932

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROBERT J. GARTEN and CLAUDE T. COOPER,)
 copartners, doing business under the)
 name and style of Imperial Car Rental,)
 for a certificate of public conven-)
 ience and necessity to operate a)
 passenger stage service as a common)
 carrier between El Centro, California,)
 and the Imperial County Airport.)

Application No. 34465

O P I N I O N

Robert J. Garten and Claude T. Cooper, copartners, doing business as Imperial Car Rental, request authority to operate as a passenger stage service for the transportation of passengers and their baggage between the City of El Centro and the Imperial County Airport situated northerly of said city a route distance of approximately 3½ miles.

Applicants state that Bonanza Air Lines now uses said airport by authority of the Civil Aeronautics Board, and that said air line has requested that applicants furnish the ground transportation for its passengers to and from said City of El Centro. No other convenient public transportation facilities are available to said passengers. Although Pacific Greyhound Lines operates along the same route (U. S. Highway 99), it does not serve the airport which is situated off of the highway. Pacific Greyhound Lines does not oppose the granting of this application provided that applicants restrict their service to the transportation of passengers originating at or destined to the airport.

It is proposed to offer either a regular or an "on-call" service, depending on the arrival or departure of passenger

transporting airplanes. Equipment proposed to be used is a 1950 eight-passenger Chrysler station wagon. The fare will be 87 cents plus tax one way, including baggage carried by air line.

Bonanza Air Lines has recently established an air passenger service into the valley along its regular route, which includes service between the Cities of Los Angeles and Las Vegas via El Centro and other intermediate cities. Bonanza replaces the former service of Western Air Lines which operated into the valley and used the Naval Air Station situated easterly of El Centro. The latter service has been discontinued.

A financial statement of Imperial Car Rental, filed as Exhibit "E" with this application, shows that applicants, as of May 31, 1953, had assets of \$19,448.55, and liabilities of \$9,065.41, or a net worth of \$10,383.14. Applicants are engaged in the car rental and garage business in El Centro. The business is located next to the Barbara Worth Hotel, the location of their proposed El Centro terminal. They are experienced in the automobile passenger transportation business.

Having considered the application, the Commission is of the opinion and finds that the proposed service is in the public interest and that public convenience and necessity require that the authority requested be granted. A public hearing is not necessary.

Robert J. Garton and Claude T. Cooper are 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 having been made, 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 it hereby is, granted to Robert J. Garton and Claude T. Cooper, copartners, doing business under the name of Imperial Car Rental, authorizing the establishment and operation of a passenger stage service, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers and their baggage between the City of El Centro and the Imperial County Airport, subject to the following condition or restriction:

All passengers must be destined to or originate at the Imperial County Airport.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with 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 such at any time, Robert J. Garton and Claude T. Cooper, copartners, doing business as Imperial Car Rental, shall conduct said passenger stage operations over and along the following described route:

Beginning at applicants' terminal in the City of El Centro situated at the Barbara Worth Hotel on Main Street, thence along Main Street, Eighth Street, and U. S. Highway 99 to private road leading into the airport.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at intersections of streets 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 days after the date hereof.

Dated at San Francisco, California, this 4th day of August, 1953.

R. Z. [Signature]
President

Justin J. [Signature]

Harold [Signature]

[Signature]

[Signature]
Commissioners