

ORIGINALDecision No. 49019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GURNEE MUNN, Jr., doing business as
 BANTRY ENTERPRISES, for a certificate
 of public convenience and necessity
 to operate a passenger stage service
 in the transportation of persons
 between Tarzana, Sherman Oaks, etc.,
 California, and the Pomona Fair Race
 Track, Pomona, California.

Application No. 34608

O P I N I O N

Gurnee Munn, Jr., an individual doing business as Bantry Enterprises, requests authority to establish and operate a passenger stage service for the transportation of passengers between a territory labeled the Tarzana-Sherman Oaks-Van Nuys (1) territory, on the one hand, and the Pomona Fair Race Track, Pomona, on the other hand.

It is proposed to use deluxe-type buses with over-stuffed reclining seats. (2) No intermediate local service is contemplated. Schedules will conform to the race track operation requirements. Proposed round-trip fares will be \$2.61 plus tax. All loading and unloading of passengers is to be done at off-street loading points.

(1) Described in the order herein.

(2) Applicant now renders a passenger stage service between San Fernando territory and Santa Anita and Hollywood Park race tracks. (Decision No. 48070, dated December 16, 1952, on Application No. 33853.) The equipment used in the certificated operations will be used in performing the service contemplated herein.

Applicant has total assets valued at \$130,000 and liabilities of \$11,000.

As justification for the proposed service, applicant alleges that no service is now available to race track patrons from the described point of origin in the vicinity of Tarzana to the Pomona Fair Race Track on schedules conveniently related to the track operations, and that he has received repeated requests that he perform the proposed service. He alleges that he has gained experience through the operation of an automotive race track service between the San Fernando territory and the Santa Anita Race Track (see footnote (2)). The application is not opposed.

Having fully considered the matter, the Commission is of the opinion and finds that public convenience and necessity require the establishment and operation of a passenger stage service as proposed. A public hearing is not necessary.

Gurnee Munn, Jr., 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 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 Gurnee Munn, Jr., authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the Tarzana-Sherman Oaks-Van Nuys territory as herein-below described, on the one hand, and the Pomona Fair Race Track, on the other hand, subject to the following restrictions and conditions:

- (a) The transportation service herein authorized shall be rendered only when horse racing is conducted at Pomona Fair Race Track.
- (b) No passengers shall be picked up or discharged at points intermediate between the Tarzana-Sherman Oaks-Van Nuys territory and said Pomona Fair Race Track, and every passenger shall be destined to or originate at said track.
- (c) The Tarzana-Sherman Oaks-Van Nuys territory authorized to be served is bounded as follows:

Beginning at the intersection of Topanga Canyon Boulevard and Ventura Boulevard, thence northerly along Topanga Canyon Boulevard to Saticoy Street; easterly along Saticoy Street to Van Nuys Boulevard; southerly along Van Nuys Boulevard to Vanowen Street; easterly along Vanowen Street to Laurel Canyon Boulevard; southerly along Laurel Canyon Boulevard to Ventura Boulevard; westerly along Ventura Boulevard to point of beginning.

(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, Gurnee Munn, Jr., doing business as Bantry Enterprises, shall conduct said passenger stage operations over and along the following described routes:

Commencing at off-street loading points in the described Tarzana-Sherman Oaks-Van Nuys territory, thence northerly along Van Nuys Boulevard to its junction with California State Highway 118 (Foothill Boulevard); southeasterly along State Highway 118 to its junction with U. S. Highway 66; easterly along U. S. Highway 66 to its junction with California State Highway 71; southerly along California State Highway 71 to the Pomona Fair Race Track, Pomona, California, and return over the same route.

Also, commencing at off-street loading points in the described Tarzana-Sherman Oaks-Van Nuys territory, thence southeasterly along Ventura Boulevard, Cahuenga Boulevard and Sunset Boulevard to the Hollywood Freeway; easterly along

the Hollywood Freeway and Ramona Free-
way to Garvey Boulevard (U.S. Highway 99);
easterly along U. S. Highway 99 to the
Pomona Fair Race Track, Pomona, California,
and return over the same route.

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

Dated at San Francisco, California, this
25th day of August, 1953.

[Signature]
President

Justin F. Creswell
[Signature]
Peter E. Mitchell

Commissioners