

La Mesa, Lemon Grove, Mesa Grande, Pine Hills, Ramona, Santee, Warner's Hot Springs and Witch Creek, on the other hand.

Prior to March 24, 1953, all highway common carriage freight originating outside of San Diego, including Los Angeles and Escondido, and destined to Ramona, moved into San Diego, and was carried from San Diego to Ramona by Bisher. By Decision No. 48380, dated March 24, 1953, on Application No. 32246, effective April 13, 1953, Southern California Freight Lines was granted authority by this Commission to render service as a highway common carrier between Los Angeles, San Diego, Escondido and Ramona, among other places, service between Escondido and Ramona to be via California State Highway No. 78. Bisher petitioned for a rehearing relative to the portion of the decision granting Southern California Freight Lines authority to serve between Escondido and Ramona, alleging that it had received no notice of Southern California Freight Lines' application. With the consent of Southern California Freight Lines (see Southern California Freight Lines' letter dated September 21, 1953), its authority to serve between Ramona and Escondido via State Highway No. 78 ^{has been} was revoked by Decision No. 49183 dated *October 6, 1953*, on Application No. 32246, rendered this day.

Revocation of Southern California Freight Lines' authority to serve between Escondido and Ramona, via California State Highway No. 78, without the replacement of such service by another carrier will cause all freight originating north and west of San Diego and destined for Ramona and points north and east thereof to move through San Diego, and will bar direct service from Escondido to Ramona.

In support of its request, Bisher alleges that there are a number of places of business located in Escondido which sell general commodities to customers located at the places Bisher serves north and east of San Diego, including Ramona,

that the said business houses desire a highway common carrier service between Escondido and points north and east of San Diego including Ramona, and that the only service at present between Escondido, on the one hand, and Ramona and other points mentioned north and east of San Diego, on the other hand, is through San Diego, which routing increases the time and distances involved in performing the service.²

Bisher has one terminal in Ramona. If this application is granted, it proposes to establish a terminal in Escondido. Applicant has adequate assets,³ and made a net profit from its carrier operations of over \$4,000 in the first six months of 1953.⁴ It has 15 pieces of equipment, including 8 trucks, 1 tractor, and 3 semitrailers.⁵

Service will be rendered Mondays through Fridays in each direction between Ramona and Escondido. The rates charged will be substantially the same as those prescribed by the Public Utilities Commission in Highway Carriers' Tariff No. 2.

No highway common carriers other than applicants and Southern California Freight Lines serve in the area involved.

Upon the allegations of the verified application herein, and upon the records of this Commission, of which we take judicial notice, we find that public convenience and necessity require that applicants be given the authority they have requested. A public hearing is not necessary.

B 2 Since April 13, 1953, Southern California Freight Lines served between Escondido and Ramona by direct route via State Highway No. 78, pursuant to Decision No. 48380. Traffic to points other than Ramona was carried by Bisher. By Decision No. 49183 dated today, Southern California Freight Lines' right to serve between Escondido and Ramona ~~was~~ ^{has been} revoked with the consent of Southern California Freight Lines.

3 Exhibit C on application, balance sheet.

4 Exhibit C on application, profit and loss statement.

5 Exhibit B on the application.

Harry W. Rae and Lillian Eileen Edmonds 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

An application having been filed, and the Commission having found that public convenience and necessity require that applicants be granted the authority they have requested,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Harry W. Rae and Lillian Eileen Edmonds, doing business as Bisher Truck Line, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of property between Ramona, on the one hand, and Escondido, on the other hand, including service to, from and between intermediate points and all points within a radius of five miles laterally on each side of the authorized route, via California State Highway No. 78, as an extension of and to be consolidated with its existing highway common carrier rights.

(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 and time schedules satisfactory to the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 6th day of October, 1953.

[Signature]
President

Justus F. Caswell

Samuel H. Potter

[Signature]

Commissioners