

Decision No. 50249

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CLAUDE P. ELLIS, doing business as )  
 BIG CREEK STAGE LINES, for a certifi-) )  
 cate of public convenience and neces-) )  
 sity, to operate a passenger stage ) )  
 corporation between Fresno and Mono ) )  
 Hot Springs, including the inter-) )  
 mediate points of Clovis, Prather, ) )  
 Auberry, Shaver Lake, Big Creek, and ) )  
 Lakeshore, but excluding service ) )  
 between Fresno and Clovis. ) )

Application No. 35557

O P I N I O N

In the above-entitled application Claude P. Ellis requests a certificate of public convenience and necessity to establish and operate a service as a passenger stage corporation for the transportation of passengers and their baggage between Fresno and Big Creek and the intermediate points of Clovis, Prather, Auberry and Shaver Lake, but excluding service between Fresno and Clovis. Seasonal service is also requested between Fresno and Lakeshore and between Fresno and Mono Hot Springs.

Applicant proposes to render service daily, excepting Sundays and holidays, between Fresno and Big Creek and the above intermediate points. In addition, service is proposed daily, excepting Sundays and holidays, between Fresno and Lakeshore from May 16 to September 30 of each year and thrice weekly between Fresno and Mono Hot Springs from June 15 to September 15 of each year.

The proposed fare from Fresno to Big Creek, a distance of 72 miles, will be three dollars one way and five dollars round trip; the fare to Lakeshore, 82 miles, will be four dollars one way and six dollars round trip; and the fare to Mono Hot Springs, 101 miles, will be six dollars one way and ten dollars round trip. A separate

schedule of fares is proposed from Clovis. Children under 12 years of age will be carried at half fare; baggage under 50 pounds per adult fare will be carried free of charge.

Applicant proposes to utilize nine pieces of equipment in the operation of said service, including two carryalls and two 6-passenger sedan automobiles.

Applicant's financial statement discloses a net worth of more than \$56,000, including \$6,000 cash. Liabilities are shown to be \$1,000 and are secured by a real property mortgage.

As justification for the authority sought, applicant alleges that there is no passenger service being rendered at present between the points proposed to be served in this application. Applicant has excluded service between Fresno and Clovis because Moyers Stages is presently serving these two points.

Applicant states that he is well acquainted with points sought to be served, having had the U. S. mail contract in the area since 1938. He is also well acquainted with the residents living along the proposed route and knows their need for service and how much they are willing to pay for it.

In addition to regular need for passenger service by the local residents, the summer season demand is ever increasing, resulting in numerous requests for such service by applicant.

After full consideration of the facts presented, the Commission is of the opinion and hereby finds that public convenience and necessity require the establishment and operation of the proposed service. A public hearing does not appear to be necessary and a certificate will be granted.

Claude P. Ellis 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 filed, the Commission being fully informed therein, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Claude P. Ellis 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 and their baggage:

- (a) Between Fresno and Big Creek and the intermediate points of Clovis, Prather, Auberry and Shaver Lake;
- (b) Between Big Creek and Lakeshore from May 16 to September 30 of each year as an extension and enlargement of, and to be consolidated with, the right described in (a) above;
- (c) Between Lakeshore and Mono Hot Springs from June 15 to September 15 of each year as an extension and enlargement of, and to be consolidated with, the rights described in (a) and (b) above;
- (d) Provided, however, that no service shall be conducted between Fresno and Clovis.

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 two days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, appropriate tariffs and timetables satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

Commencing at Tulare and "M" Streets in the City of Fresno; thence via Tulare Street to Clovis Avenue; thence to Clovis on Clovis Avenue; thence by county road to Auberry and through Auberry to approximately Pinceridge; thence by State Highway No. 168 to Lakeshore; and thence by United States Forest Service road to Mono Hot Springs.

3. That before establishing the service herein authorized, applicant shall comply with the provisions of General Order No. 101.

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

Dated at San Francisco, California, this 6th day of July, 1954.

W. E. Mitchell  
President  
James J. Casner  
Kenneth Cottrell  
Deane Higgins

Commissioners