

Decision No. 53032**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GLENN DANIELS and MILTON DANIELS )  
 copartners doing business as Daniels )  
 Bros., for a certificate of public )  
 convenience and necessity to operate )  
 as a highway common carrier for the )  
 transportation of local freight and )  
 property between Fall River Mills and )  
 Little Valley, under the provisions )  
 of Sections 1063-1064 of the Public )  
 Utilities Code. )

Application No. 37868

O P I N I O N

By this application filed March 27, 1956, Glenn and Milton Daniels, partners, request authority to establish service and operate as a highway common carrier between Fall River Mills and Little Valley serving intermediate points. Fall River Mills and the intermediate point McArthur are located on U. S. Highway 299 and Pittville and Little Valley are located on an unnumbered county improved road which intersects U. S. Highway 299 and runs in a southeast direction.

The application alleges that applicants presently carry the mails between the points named and that the proposed service would be of considerable convenience to several families in Little Valley. It is further alleged that there are no passenger stage, truck lines, or steam or electric railways operating between such points.

A 1953 G.M.C. one-half ton pickup truck will be used to carry freight and the mail. Applicants appear to be qualified to perform this service, and they have adequate financial ability. The Commission finds that the proposed service is required by public convenience and necessity.

Applicants propose to charge 65 cents per 100 pounds of freight with a minimum charge of \$1.05 for each shipment. The proposed rate in some instances is less than the minimum rates set forth in Minimum Rate Tariff No. 2. Highway common carriers performing noncompetitive services in rural areas have often been authorized to deviate from the Commission's minimum rate orders. Such authority appears to be here required and will be granted. A public hearing does not appear to be necessary.

Applicants 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, such rights 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 as to the number of rights which may be given.

O R D E R

Application therefor having been filed and duly considered,  
Now Therefore,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Glenn Daniels and Milton Daniels, partners, authorizing them to operate as a highway common carrier for the transportation of freight as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicants be and they are hereby authorized to charge rates less than the established minimum rates but not less than 65

cents per 100 pounds subject to a minimum charge of \$1.05 per shipment between Fall River Mills, McArthur, Pittville and Little Valley.

(3) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

(a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and upon not less than ten days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 8th day of May, 1956.

John E. ...  
President

Justin F. ...

Robert ...

...

...

GH

Decision No. 50002

Dated MAY 8 1956

Application No. 37868

APPENDIX A

Glenn Daniels and Milton Daniels, by the certificate of public convenience and necessity granted in the above-numbered decision, are authorized to transport general commodities between Fall River Mills and Little Valley and intermediate points over and along U. S. Highway 299 and an unnumbered county road which intersects said U. S. Highway and passes through Pittville and Little Valley.