

Decision No. 54202

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HENRY L. RUBIDOUX for a certificate)
of public convenience and necessity)
to operate a bus service between) Application No. 38271
Dunsmuir and Mt. Shasta, California,)
and Panther Meadows, California.)

O P I N I O N

This application was filed on July 20, 1956. There is no directly competitive service. Carriers known to be operating in the area have not indicated a desire to protest. No public hearing appears to be necessary.

There appears to be a general project or drive under way to develop a recreation area in the Mt. Shasta region. Two features of this are a ski lift starting from Panther Meadows and a highway to connect the latter point with U. S. Highway 99 at Mt. Shasta City. This highway is not designated by a state or county number but does have a name, the "John Everitt Memorial Highway."

The applicant operates a taxicab service in Dunsmuir and is agent for Pacific Greyhound Lines in that city. He also operates mail and ambulance services in and around Dunsmuir. The application was supported by a resolution (No. 806) of the Dunsmuir City Council, by two service organizations at that place and by two winter sport groups at Mt. Shasta.

Applicant proposes to acquire two 29-passenger Flexible coaches, each propelled by a 270 h.p. gasoline engine. He alleges in his application that these coaches are available..

The Commission is of the opinion and finds that public convenience and necessity require the proposed service and that applicant is qualified to render it. The certificate is subject to the following provision of law:

Applicant is hereby placed on 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

Public hearing appearing not to be necessary, and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Henry L. Rubidoux, authorizing the establishment and operation of service as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and express shipments not exceeding 100 pounds in weight between Dunsmuir and Mt. Shasta, on the one hand, and Panther Meadows, on the other hand, and intermediate points.

(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 180 days after the effective date hereof, and on 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 schedules and tariffs satisfactory to the Commission.
- c. Subject to the authority of this Commission to change or modify such at any time, Henry L. Rubidoux shall conduct said passenger stage operation over and along the following described route:
 - 1. Beginning at Dunsuir, California, thence along U. S. Highway 99 via Mt. Shasta to its intersection with the Everitt Memorial Highway. Thence along the Everitt Memorial Highway and unnumbered highways to Panther Meadows, California.

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

Dated at Los Angeles, California, this 4th day of DECEMBER, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners