

ORIGINAL

Decision No. 55272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of BRELAND AND PAGE for Certificate)	
of Public Convenience and Necessity)	Application No. 38828
Under Sections 1031-1036 of the)	
Public Utilities Code.)	

Bertrand B. Bratton, for applicant.

R. E. Thomas, for Pacific Greyhound Lines and Northland Greyhound Lines, interested party.

Glanz & Russell, by Arthur Glanz, for Transcontinental Bus System, Inc., dba Continental Trailways, interested party.

W. F. Hibbard, for the Commission staff.

O P I N I O N

By this application, as amended, Winfred D. Breland and Lanier Page, co-partners, seek authority to operate a passenger stage service between San Bernardino and the United States Marine Corps Depot at Nebo, California, situated approximately four miles easterly of Barstow.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa. Evidence having been adduced, the matter was submitted for decision.

The record shows that applicants reside in San Bernardino and are at present employed at said depot; that they propose to operate a bus on a single daily round-trip service, five days per week, carrying only civilians employed at the depot who live in

San Bernardino; that applicants propose to operate a 27-passenger Ford bus and charge \$1.45, plus tax, for a round trip.

Further, the record shows that approximately 150 persons are employed at the depot who reside in San Bernardino or vicinity and applicants estimate that approximately 20 passengers will be transported daily. On that basis it is also estimated that the gross revenue will be sufficient to meet out of pocket costs. Applicants will drive the bus and take care of the necessary repairs and maintenance. Adequate insurance will be carried in accordance with this Commission's regulations.

The application was not opposed provided applicants' service is restricted to the transportation of civilian employees originating in San Bernardino.

Having considered the matter the Commission is of the opinion that the fare proposed is, in the circumstances herein, just and reasonable, and finds that public convenience and necessity require the establishment and operation of a passenger stage service as hereinbelow set forth. The application will be granted.

Winfred D. Breland and Lanier Page are 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, 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 as to the number of rights which may be given.

O R D E R

A public hearing having been held, 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 Winfred D. Breland and Lanier Page, as co-partners, authorizing the establishment and operation of a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of persons between San Bernardino, on the one hand, and the United States Marine Corps Depot situated at Nebo, California, on the other hand, along the route and subject to the following conditions and restrictions:

Applicant shall transport only civilians employed at the said Marine Corps Depot at Nebo, California, between San Bernardino and said depot on a round-trip fare basis.

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, Winfred D. Breland and Lanier Page shall conduct said passenger stage operation over and along the following described route:

Beginning at 1575 Union Street in the City of San Bernardino; thence along Union Street, Wilson Street, 7th Street, Muscott Street, 10th Street, Mt. Vernon Avenue, 15th Street, Muscott Street to Cajon Boulevard; thence via U. S. Highway 66 to the U. S. Marine Corps Depot at Nebo, California, returning via the reverse of said route.

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

Dated at San Francisco, California,
this 15th day of July, 1957.

Paul J. Kellner President
Matthew Davis
R. Hardy
C. L. Fox Commissioners

Commissioner Peter E. Mitchell being necessarily absent, did not participate in the disposition of this proceeding.