

ORIGINALDecision No. 58201

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BARNEY J. GABRIEL for certificate
 of public convenience and necessity
 to operate a Passenger Stage Service
 within and near the City of Oroville,
 California.

Application No. 40541

O P I N I O N

Barney J. Gabriel requests authority to operate a passenger stage service within the City of Oroville and areas immediately adjacent thereto.

Applicant proposes to operate over three routes. Over two routes he proposes an adult fare of 25 cents and for children under 16 years of age a fare of 10 cents. Between Oroville and Palermo he proposes an adult fare of 50 cents and a child's fare of 25 cents.

Applicant is the present owner and operator of the Yellow Cab service in the area and possesses the necessary equipment and financial ability to provide the proposed service.

As justification for the authority sought applicant alleges that there is no existing common carrier service in the area.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the authority sought. A public hearing does not appear to be necessary.

Barney J. Gabriel 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 modified or canceled 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 having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Barney J. Gabriel authorizing the transportation of passengers as a passenger stage corporation between the points and over the routes set forth in Appendix A attached hereto.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98. 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. 98, may result in a cancellation of the operating authority granted by this decision.

(b) Within sixty days after the effective date hereof, and on not less than ten 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 timetables satisfactory to the Commission.

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

Dated at San Francisco, California, this 31st day of March, 1959.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Barney J. Gabriel, by the certificate granted in the decision noted below, is authorized to transport passengers as a passenger stage corporation between points within the City of Oroville and immediately adjacent thereto over the following routes:

Route 1

Commencing at Myers and Montgomery Streets in the City of Oroville, thence along Montgomery Street, Bridge Street, Oroville-Chico Highway, Mono Avenue, 12th Street, Sierra Avenue, Grand Avenue, Oroville-Chico Highway, Bridge Street, Montgomery Street to point of beginning.

Route 2

Commencing at Myers and Montgomery Streets, thence along Myers Street, Palermo Road, Palermo-Honcut Highway, Upper Palermo Road, Lower Wyandotte Road, Oroville-Bangor Road, Houston Street, Roseben Avenue, Wyandotte Avenue, Myers Street to point of beginning.

Route 3

Commencing at Myers and Montgomery Streets, thence along Montgomery Street, Bridge Street, Feather River Bridge, Oroville-Chico Highway, Mono Avenue, Oro Avenue, Nelson Road, Siskiyou Avenue, Plumas Avenue, 10th Street, Grand Avenue, Oroville-Chico Highway, Feather River Bridge, Montgomery Street to point of beginning.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 58202, Application No. 40541.