

ORIGINALDecision No. 61620

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 JOSEPH RAY FOSTER for certificate of
 public convenience and necessity to
 operate passenger, baggage and
 express service between Taft,
 California and Bakersfield,
 California.

Application No. 43070

O P I N I O N

Joseph Ray Foster requests authority to operate a passenger stage service for the transportation of passengers, baggage and express between Taft and Bakersfield, and intermediate points.

Applicant proposes to provide service starting at Taft, using U.S. Highway 399 to Greenfield; then, north on U.S. Highway 99 to Bakersfield. The same route will be used on the return trip.

The proposed passenger rates will be based on approximately 3.5 cents a mile per passenger. The applicant intends to operate one round trip daily, leaving Taft at 8:30 a.m. and arriving at Bakersfield at 9:55 a.m.; and leaving Bakersfield at 4:00 p.m. and arriving at Taft at 5:25 p.m.

As of September 30, 1960, applicant indicated a net worth of \$32,643.11.

The application was originally protested, but said protest was subsequently withdrawn.

At the present time no passenger stage service is provided between Taft and Bakersfield.

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 is not necessary.

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 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 Joseph Ray Foster authorizing service as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and shipments of express weighing 100 pounds or less on passenger carrying vehicles only, between the points and over the route 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 service 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 and insurance requirements of the Commission's General Order No. 101-A. 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 Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.

- (b) Within one hundred twenty days after the effective date hereof, and on not less than five days' notice to the Commission and to 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 five days after the date hereof.

Dated at San Francisco, California, this 4th day of March, 1961.

E. L. Fox President

George H. Grover

Frederick B. Holcomb

Commissioners

Joseph Ray Foster, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage and shipments of express weighing 100 pounds or less on passenger carrying vehicles only, between Taft and Bakersfield, and intermediate points, over and along the following route:

- A. From Taft via U.S. Highway 399 to Greenfield; then, north via U.S. Highway 99 to Bakersfield and return on the same route.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 61630, Application No. 43070.