

**ORIGINAL**Decision No. 75606

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of DWIGHT I. SPURGEON, dba  
B and H TRANSPORTATION CO., for  
certificate of public convenience  
and necessity to operate on-call  
passenger service between Fort  
Bragg, California and Willits,  
California.

Application No. 50940  
(Filed March 7, 1969)

O P I N I O N

Dwight I. Spurgeon, doing business as B and H Transportation Co., requests a certificate of public convenience and necessity authorizing the transportation of passengers and baggage between Fort Bragg and Willits.

Applicant proposes a service that will primarily accommodate passengers of the scenic tour provided by California Western Railroad between Fort Bragg and Willits. According to applicant, many of such passengers desire to take the train one way and a faster means of transportation in the opposite direction. Applicant owns and operates two vehicles and has an 11-passenger van type vehicle on order. Service would be provided on an on-call basis with a one-way fare of \$3.00 for adults and \$1.50 for children under 11 years of age. As of February 12, 1969, applicant indicated a net worth in the amount of \$30,608.

It is alleged that California Western Railroad has indicated a willingness to cooperate in having the proposed service made known to its customers.

Copies of the application were served upon Western Greyhound Lines and California Western Railroad. No protest has been received.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

Dwight I. Spurgeon 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Dwight I. Spurgeon, doing business as B and H Transportation Co., authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-C.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an

annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 29th day of APRIL, 1969.

William J. ...  
 President

Augusta ...

John P. ...

W. ...

...  
 Commissioners

Dwight I. Spurgeon, doing business as B and H Transportation Co., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on an on-call basis between the following points:

Willits and Fort Bragg.

Issued by California Public Utilities Commission.

Decision No. 75606, Application No. 50940.