

ORIGINAL

Decision No. 47359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FEATHER RIVER STAGES, to sell, and ) Application No. 33089,  
PACIFIC GREYHOUND LINES, to acquire, ) as amended.  
operating rights and property. )

Douglas Brookman, for both applicants.

O P I N I O N

Applicants Orville T. Stoy and Harold A. Stoy, partners doing business as Feather River Stages have been operating as a passenger stage corporation for the transportation of passengers, baggage and shipments of express weighing not in excess of 20 pounds each on passenger vehicles between Quincy, California, and a point on the California-Nevada State line where U. S. Highway No. 395 crosses it, serving intermediate points on and along said highway and on and along State Highway No. 24 and the off-route points of Feather River Camp, Blairsden, Grizzly Ice Camp, Graeagle, Mohawk, Camp Leyman, Cromberg and Sloat under authority of this Commission. <sup>(1)</sup> This application requests Commission approval of the transfer of the above operating rights and one bus to Pacific Greyhound Lines for the consideration of \$10,000. Of this sum \$5,594 is to be paid for the equipment at its depreciated value and the balance of \$4,406 for the operating rights. Applicant Greyhound also operates along State Highway No. 24 under Commission authority between Orville and Portola. <sup>(2)</sup> Both applicants have interstate rights between Quincy and points in Nevada over these highways. The application seeks, in addition to approval of this transfer of rights and property, the right to abandon service to

(1) Decision No. 38902, dated May 2, 1946, in Application No. 27249 and Decision No. 43047, dated June 28, 1949, in Application No. 30382.

(2) Decision No. 39755, dated December 16, 1946, in Application No. 23337, Third Supplemental.

off-route points, the cancellation and annulment of all rights transferred and the issuance to applicant Pacific Greyhound Lines of a new certificate of public convenience and necessity authorizing the transportation of passengers, their baggage and express limited to 100 pounds per shipment to be transported on passenger vehicles only between Portola and the Nevada border line at U. S. Highway 395.

Public hearing was held on June 5, 1952, in Portola before Examiner Rowe at which time oral and documentary evidence was adduced and the matter was duly submitted for decision.

At the hearing applicant Pacific Greyhound Lines requested authority to amend the application so as to request the issuance of a certificate of public convenience and necessity authorizing operations between Quincy and the Nevada California State line instead of between Portola and said line. However, subsequent to the hearing said applicant has advised the Commission that the rights sought should be as originally requested. Commission records indicate that applicant Greyhound presently holds operating rights issued by this Commission between Quincy and Portola. Consequently, the operating rights to be granted herein will be as originally requested in the application before its amendment.

The traveling public was adequately notified of the proposed abandonment of service to off-route points and no one objected to such requested abandonments. According to the testimony of one of the partners of applicant, Feather River Stages, passenger stage service to these off-route points has never been remunerative. The public rarely has patronized this portion of the vendors service. The only reason that earlier abandonment has not been requested has been the fact that said applicants hold contracts with the federal government to carry mail to said . . .

off-route points. Consequently the Commission finds as a fact that passenger stage service to said off-route points has not been and cannot be made remunerative, and that the abandonment of service to such points should be authorized.

Prior to the time of hearing in this matter the Interstate Commerce Commission has approved and authorized the transfer by Feather River Stages of its interstate operating rights and property to applicant Pacific Greyhound Lines. Applicants suggested at the hearing that perhaps this Commission's approval of the transfer is unnecessary in view of the prior approval by the Interstate Commerce Commission. It becomes unnecessary to determine this question, in view of the obvious necessity for this Commission to approve the abandonments here involved and the issuance to Pacific Greyhound Lines of a certificate of public convenience and necessity between Portola and the point on the Nevada-California State line where U. S. Highway 395 crosses it.

No other passenger stage corporation operates between said last mentioned points. By the acquisition of the operating rights of Feather River Stages by applicant, Pacific Greyhound Lines, the latter company will have all operating rights to be granted by the requested certificate except that its right to carry express will be limited to shipments of 20 pounds instead of 100 pounds or less. There appears no reason for restricting the weight of such shipments to 20 pounds in view of the fact that no other passenger stage corporations operate in this area. This Commission finds as a fact that public convenience and necessity require the operation by applicant Pacific Greyhound Lines of service as a passenger stage corporation for the carriage of passengers, baggage, and express, limited to shipments of express not exceeding 100 pounds, in passenger-carrying vehicles, between Portola, California, on the

one hand, and the point on U. S. highway No. 395 where it intersects the California-Nevada State boundary on the other hand, serving intermediate points. The application, in its form prior to amendment, will be granted.

O R D E R

Application as above entitled having been filed, a public hearing having been held, the Commission being fully advised in the premises, and the matter being under submission,

IT IS ORDERED:

(1) That Harold A. Stoy and Orville T. Stoy, doing business as Feather River Stages, after the effective date hereof and on or before September 1, 1952, may sell and transfer the intrastate operative rights granted by Decision No. 38902, dated May, 1946, in Application No. 27249 and thereafter acquired by them, to Pacific Greyhound Lines, which may acquire said operative rights and properties and engage in the transportation business pursuant to said operative rights, said sale and transfer to be made pursuant to the terms of the agreement attached to this Application No. 33089 as Exhibit "D".

(2) That within thirty (30) days after the consummation of the transfer herein authorized applicants shall notify the Commission of that fact, and shall within that period, file with the Commission a true copy of any bill of sale or other instrument of transfer, if any, which may have been executed to effect such transfer.

(3) That upon the acquisition of such operative rights by Pacific Greyhound Lines said applicant be, and it hereby is, authorized to abandon and discontinue all passenger stage and express service under said operative rights to all points which are not located on U. S. Highway No. 395 or on State Highway 24. ✓

(4) That all fares, rules, regulations and schedules applying to the passenger stage and express operation to and from said off-route points, are hereby cancelled and annulled effective upon their acquisition by applicant Pacific Greyhound Lines.

(5) That the passenger stage and express operative rights conferred under authority of said Decision No. 38902, be and they hereby are revoked and rescinded upon and concurrently with the acceptance by Greyhound of the certificate of public convenience and necessity granted by ordering paragraph No. (5) hereof.

(6) That a certificate of public convenience and necessity be, and it hereby is granted to Pacific Greyhound Lines, a corporation, 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, their baggage and express, such express to be limited to shipments not exceeding one hundred (100) pounds in weight, to be transported on passenger vehicles only, between Portola and the California-Nevada State line east of Purdy on U. S. Highway No. 395, extension and as an enlargement of, and to be consolidated with, its operative rights heretofore granted by this Commission.

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

- (a) On or before September 1, 1952, and after the effective date hereof, applicant Pacific Greyhound Lines shall file a written acceptance of the certificate herein granted.
- (b) On or before September 5, 1952, and after the acceptance in writing of this certificate and upon not less than five (5) days' notice to the Commission and the public applicant Pacific Greyhound Lines 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 it by further order, applicant Pacific Greyhound Lines shall conduct operations pursuant to the certificate herein granted over and along California State Highway No. 24 and U. S. Highway No. 395.
- (d) Applicant Pacific Greyhound Lines is authorized to turn its vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this

24th day of June, 1952.

R. T. [Signature]

PRESIDENT

Justice J. [Signature]

Harold [Signature]

[Signature]

[Signature]

COMMISSIONERS