

ORIGINAL

Decision No. 55214

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of HERMAN NEUMANN, D/B/A EL CAJON)
VALLEY LINE, to sell, and WAYNE)
ALVIN FIELDS to buy a portion of)
the operating rights and equipment)
of the EL CAJON VALLEY LINE)
pursuant to the provisions of)
Division 1, Part 1, Chapter 4,)
Article 6, Section 851 of the)
Public Utility Code of the State)
of California.)

Application No. 39049

O P I N I O N

An order is sought in this proceeding authorizing Herman Neumann, hereinafter referred to as Neumann, to sell and Wayne Alvin Fields, hereinafter called Fields, to purchase a certain operative right, together with one Aero Coach 37-passenger bus.

Applicants allege:

(1) That Neumann possesses a certificate of public convenience and necessity authorizing the transportation of persons and their baggage or express (a) between the City of El Cajon, on the one hand, and Bostonia and intermediate points, on the other hand, and (b) on "on-call" service between the City of El Cajon, on the one hand, and El Monte Park, Gillespie Field, and San Diego, on the other hand, and intermediate points, subject to certain conditions and restrictions (Decision No. 52336).

(2) That the portion of the operative right proposed to be transferred is the "on-call" service between El Cajon, on the one hand, and El Monte Park, Gillespie Field, and San Diego, on the other hand.

(3) That the consideration for the transfer is the sum of \$5,800, of which \$5,500 represents equipment and good will and \$300 represents the value of the operative right involved, payable \$1,000 in cash upon approval by the Commission of such transfer and the balance in monthly installments of \$50, or more, including interest at 6 per cent, evidenced by a promissory note.

(4) That Neumann desires to devote his time, energies and finances to the improvement and operation of his remaining operative right (hereinbefore referred to at paragraph (1)(a)).

(5) That Fields is a former employee of Neumann; that he has operated the route involved for a considerable period of time and is an experienced bus operator; that he is a qualified automotive mechanic.

(6) That Fields proposes to maintain presently established schedules; that the Convair Plant at San Diego will provide adequate parking place within its property for the bus.

There are attached to the application Neumann's balance sheet for the period January 1, 1956 to December 31, 1956, with a profit and loss statement for the same period, and Fields' financial statement as of March 31, 1957.

The Commission finds that the public interest will not be adversely affected by approval of the transfer proposed herein. The application will be granted. The action taken herein shall not be construed to be a finding of the value of the right herein authorized to be transferred. Wayne Alvin Fields 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. A public hearing is not necessary.

O R D E R

An application having been filed, and the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That Horman Neumann after the effective date hereof, and on or before August 19, 1957, may sell and transfer to Wayne Alvin Fields, and the latter may acquire the operative right granted by Decision No. 52236, dated November 14, 1955, in Application No. 37279, more particularly described as "(2) 'on-call' service between the City of El Cajon, on the one hand, and El Monte Park, Gillespie Field and San Diego, on the other hand, subject to the following conditions and restrictions:

- (a) The service between the City of El Cajon, on the one hand, El Monte Park, Gillespie Field and San Diego, on the other hand, shall be operated "on call" and shall be made only upon demand of a minimum of twenty passengers, except that the service between El Cajon and Gillespie Field shall be operated as a regular service, at least on Tuesday through Friday of each week, during the summer school vacation, without a minimum requirement as to the number of passengers.
- (b) No passengers shall be transported on any lines whose origin and destination are along Main Street, between Anza Street and Johnson Avenue, in the City of El Cajon, or whose origin and destination are west of the intersection of Alvarado Freeway and 70th Street in the City of San Diego.
- (c) No passengers shall be picked up or discharged along Main Street, between Johnson Avenue and Anza Street, whose destination or origin is San Diego.

- (d) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

Subject to the authority of this Commission to change or modify it at any time; Wayne Alvin Fields shall conduct said passenger stage operations over and along the following described route:

Beginning at the intersection of Broadway and 2nd Street, thence along Broadway, U. S. Highway 80, Main Street, Cuyamaca Street, Broadway, Lake Murray Boulevard, Alvarado Freeway, Camino del Rio, U. S. Highway 101, Broadway (in the City of San Diego), Harbor Drive, to Market Street.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, or in accordance with local traffic rules."

together with the property referred to in the copy of the contract of sale attached to the application.

(2) That within ten days after completion of the transfer herein authorized Wayne Alvin Fields shall so notify the Commission in writing and within said period shall file with it true copies of the instruments executed to effect said transfer.

(3) That by acquiring the certificate of public convenience and necessity herein involved, 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, the transfer of which is permitted by this decision.

(4) That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall supplement or reissue the tariffs and timetables on file with the Commission naming rates, rules, regulations, and schedules governing the common carrier operations here involved to show that Herman Neumann has withdrawn or canceled and Wayne Alvin Fields has adopted or established as his own said rates, rules, regulations and schedules.

(5) That Wayne Alvin Fields may incur indebtedness of \$4,800 in accordance with the terms of the contract of sale attached to the application.

(6) That the operative right granted Herman Neumann by Decision No. 52236, the transfer of which is authorized by paragraph (1) hereof, is deleted from said decision and Appendix A, pages 1 and 3 thereof, simultaneously with the making of the filings pursuant to paragraphs (2) and (4) hereof.

(7) That this order shall become effective when applicants shall have paid the fee of \$25 as required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California, this 2nd day of JULY, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

