

Decision No. 56022**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DAVE McCOY and ROMA McCOY, husband)
 and wife, to operate bus services)
 between Mammoth Ski Lift and)
 Mammoth Airport, in the County of)
 Mono, State of California.)

Application No. 39539

O P I N I O N

By this application, filed November 6, 1957, Dave McCoy and Roma McCoy request a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the transportation of passengers and their baggage between Mammoth Ski Lift, situated at Mammoth Mountain and Mammoth Airport on U. S. Highway 395 and intermediate points.

Applicants propose to use a 1958 model International 4-wheel drive bus with a 44 passenger capacity. They furnish evidence of adequate financial ability and propose to charge 50¢ one way and 75¢ for a round trip of approximately twelve and one-half miles each way. They allege that there is no passenger stage or other service now operating between any of the points involved.

As justification for granting the requested authority, it is further alleged that applicants own and operate Mammoth Ski Lift, consisting of a chair lift and guest facilities, situated at Mammoth Mountain, Mammoth Lakes, Mono County, California, and that it is necessary and convenient that passengers be transported between said points.

The Commission finds that public convenience and necessity require that applicants operate a passenger stage service as proposed. A public hearing appears to be unnecessary.

Dave McCoy and Roma McCoy are 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 they extend to the holders a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed 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 therefor having been filed, the Commission being fully advised in the premises and being of the opinion that the application should be granted and that a public hearing is unnecessary; therefore,

IT IS HEREBY ORDERED:

(1) That a certificate of public convenience and necessity is granted to Dave McCoy and Roma McCoy 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 and their baggage between the termini and all points intermediate thereto and over the routes as described and specified in Appendix A which is attached hereto, and made a part hereof subject to the provisions, limitations and specifications contained therein.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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.

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

Dated at San Francisco, California, this 30th day of December, 1957.

John E. Beards
President
Paul J. [unclear]
R. [unclear]
E. [unclear]

Commissioners

Showing certificated points and routes of operation to be served by Dave McCoy and Roma McCoy, together with specifications, exceptions, restrictions, limitations and privileges applicable thereto.

All amendments to this Appendix A will be as revised pages or added original pages.

Issued by California Public Utilities Commission.

Decision No. 56023, Application No. 39539.

Dave McCoy and Roma McCoy, by the certificate of public convenience and necessity granted in the hereinafter numbered decision are authorized to transport passengers and their baggage between Mammoth Ski Lift, Mammoth Mountain, on the one hand, and Mammoth Airport on U. S. Highway 395, on the other hand, serving all intermediate points.

Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections or by operating around a block contiguous to such intersection, or in accordance with local traffic regulations.

When route descriptions are given in one direction, they apply to operations in either direction, unless otherwise indicated.

Subject to the authority of the Commission to change or modify such at any time, said applicants shall conduct their passenger stage operations over and along the following route:

Over a County Road known as Minaret Road and U. S. Highway 395.

End of Appendix A

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Decision No. 58023, Application No. 39539.