

ORIGINAL

Decision No. 61107

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HOWARD B. PETERSEN, for a Certificate
of Public Convenience and Necessity to
Operate a Passenger Stage Between Napa
and Mare Island.

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) Application No. 42561
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O P I N I O N

By application filed August 12, 1960, Howard B. Pettersen requests authority to operate as a passenger stage corporation for the transportation of passengers, providing a commuter service for Mare Island Naval Shipyard employees, Mondays through Fridays. He alleges there are no passenger stage lines offering similar or competitive service.

The staff has made a study of the situation and states that this proposal is competitive with the service of Earl F. Caddel who by recent Commission decision was authorized to deviate from State Highway 29 in order to serve communities adjacent thereto including Napa. Granting of the requested authority without hearing was recommended in the absence of a protest from Mr. Caddel.

Copies of the application were served upon Greyhound and upon Earl F. Caddel, the latter on September 6, 1960. The granting of this application will result in only incidental competition with the operation of Mr. Caddel. The Commission finds that public convenience and necessity require the service as hereinafter authorized. A public hearing appears unnecessary.

Howard B. Pettersen 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, they 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 as above entitled having been filed, a public hearing not appearing to be required, and based upon the above finding,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Howard B. Petterson 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 between the area near Napa and Mare Island over and along the routes as described and specified in Appendix A, which is attached hereto and by reference made a part hereof, subject to the provisions, restrictions, 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, 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 the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 22nd day of November, 1960.

Gerrit A. Lewis
President

Walter J. ...

W. H. ...

E. ...

Theodore ...
Commissioners

Showing certificated points and routes of operations to be served by Howard B. Pettersen, 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.

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ROUTE A

Commencing at the parking area in the 2700 block on Jefferson Street; thence southerly on Jefferson Street to Menlo Avenue; thence westerly along Menlo Avenue to Sonoma Street; thence southerly along Sonoma Street to Lincoln Avenue; thence westerly along Lincoln Avenue to State Freeway; thence southerly along State Freeway to First Street; thence easterly along First Street to Ornduff Street; thence southerly along Ornduff Street to Laurel Street; thence westerly along Laurel Street and Harrison Avenue to Archer Avenue; thence southerly along Archer Avenue to Homewood Avenue; thence westerly along Homewood Avenue to Chelsea Avenue; thence northerly along Chelsea Avenue to Kilburn Avenue; thence westerly along Kilburn Avenue to Laurel Street; thence southerly along Laurel Street to Foothill Boulevard; thence southerly along Foothill Boulevard to Sonoma Road; thence easterly along Sonoma Road to Foster Road; thence southerly along Foster Road to Dorset Place; thence easterly along Dorset Place to Kent Street; thence southerly along Kent Street to Imola Avenue; thence southerly along Minahan Street to Bohem Street; thence westerly along Bohem Street to Greenbach Street; thence southerly along Greenbach Street to Gerald Street; thence easterly along Gerald Street to Minahan Street; thence northerly along Minahan Street to Imola Avenue; thence easterly along Imola Avenue to State Highway 29; thence southerly along State Highway 29 to State Highway 48; thence westerly along State Highway 48 to North Gate, Mare Island Naval Shipyard; thence back along the same route as hereinabove described to point of commencement.

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ROUTE B

Commencing at the parking area in the 2700 block on Jefferson Street; thence northerly along Jefferson Street to Trancas Street; thence easterly along Trancas Street to Beard Road and Yajome Street to Lincoln Avenue; thence easterly along Lincoln Avenue to East Avenue; thence southerly along East Avenue to Hennessey Drive; thence easterly along Hennessey Drive and Coombsville Road to Terrace Drive; thence southerly along Terrace Drive and Shurtleff Avenue to Shelter Avenue; thence westerly along Shelter Avenue to State Highway 29; thence southerly along State Highway 29 to State Highway 48; thence westerly along State Highway 48 to North Gate, Mare Island Naval Shipyard; thence back along the same route as hereinabove described to point of commencement.

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The above rights are subject to the restriction that only passengers destined to or originating from Mare Island may be transported.

Motor vehicles may be turned at termini or 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 regulations.

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

Issued by California Public Utilities Commission.

Decision No. 61187, Application No. 42561.