

Decision No. 61764**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LEE M. MULL for a certificate of pub-
lic convenience and necessity to operate
an on-call limousine service within Del
Norte, Humboldt, Trinity, and Shasta
Counties.

Application No. 42851
(Amended)

James R. Hooper, for applicant.

William T. Meinhold for The Grey-
hound Corporation; and Walter E.
Mendenhall for himself and Wilbur
N. Mendenhall, interested parties.

C. W. Overhouse for the Commission
staff.

O P I N I O N

This application filed November 14, 1960, and as amended at the hearing, requests authority as a passenger stage corporation to operate in the transportation of persons by limousine between Crescent City and Crescent City Airport and between said points, on the one hand, and, on the other hand, Arcata and Eureka and the several airports in that area and in the transportation of persons on sightseeing tours from Crescent City to Arcata on U.S. Highway 101 and from Arcata to Blue Lake, Willow Creek, Weaverville, and Redding on U. S. Highway 299 and from Crescent City north to the California - Oregon state line on U. S. Highways 101 and 199 with the right to serve off-route scenic points. Applicant, in conducting sightseeing tours will operate regularly for the most part over the above-named highways. However, he requests authority to deviate depending upon weather and road conditions in order to travel over the more scenic routes in Del Norte County and to reach points of interest in that county.

Public hearing was held in Crescent City on January 25, 1961

before Examiner Rowe. The matter was continued to January 26, 1961, at which time and after the filing of an amendment to the application, the matter was duly submitted for decision upon the evidence adduced.

Greyhound Corporation and the Mendenhalls first appeared as protestants but after learning more about the applicant's proposal and the amendment such appearances were changed to interested parties.

Applicant proposes a charge of \$1.00 per person for his limousine service between Crescent City and the Crescent City Airport with a minimum of \$5.00 to move the equipment. His other services are also on an "on call" basis and the charge is to be computed at 30¢ per mile plus 3¢ per mile for each additional passenger over three up to seven passengers, or \$6.00 per hour; whatever is greater. ✓

Two members of the Del Norte County Board of Supervisors and the President of the Title Company and of an Advertising Committee for the area testified as to the need for the proposed service. The applicant also testified as to this public need and his experience and financial position. From the evidence it appears and the Commission finds that public convenience and necessity require that the application be granted in the manner hereinafter stated. He is found to be experienced and capable of properly performing this service. His financial position is found to be adequate. ✓

Mr. Mendenhall testified that his firm was adequately performing all needed transportation of passengers between Arcata including the airport there and Eureka. According to Greyhound's counsel they feared that applicant in carrying on any one-way transportation would pick up passengers on their routes and thereby deprive them of revenue. In order to eliminate this objection the application was amended. ✓

Lee M. Mull 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 cancelled 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, public hearings having been held, and based upon the above findings,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Lee M. Mull authorizing him to operate 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 points and over the routes as more specifically set forth in Appendix A, attached hereto and made a part hereof.

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 regulations of the Commission's General Order No. 98 and insurance requirements of the Commission's General Order 101A. 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 101A, 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 ten days' notice to the Commission and the public applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 4th day of April, 1961.

Carol A. Hodge
President
E. L. Mitchell
E. L. Fox
George H. Trover
Frederick C. Holmoff
Commissioners

Lee M. Mull, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between Crescent City Airport and Crescent City, and between said points on the one hand, and on the other hand, Arcata, the Eureka-Arcata Airport, Eureka and the several airports in the Eureka area, over the route hereinafter set forth:

Between Crescent City and Eureka via U. S. Highway 101.

Restriction: Only those passengers may be transported who have a prior or a subsequent movement by air, or persons accompanying or meeting such passengers.

Issued by California Public Utilities Commission

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Lee M. Mull, by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to transport passengers and their baggage in sightseeing service between Crescent City and points along the routes hereinafter set forth, including adjacent off-route points:

Between Crescent City and Eureka via U. S. Highway 101.

Between junction U. S. Highways 101 and 299 approximately two miles north of Arcata and Redding via U. S. Highway 299.

Between Crescent City and Oregon-California State line via U. S. Highway 101.

Between junctions U. S. Highways 101 and 199 approximately four miles north of Crescent City and the Oregon-California State line via U. S. Highway 199.

Restriction: All persons must be transported on a round-trip or circular tour basis originating in the City of Crescent City.

End of Appendix A

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