

ORIGINAL

Decision No. 63819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DONALD B. EBERT for certificate of public convenience and necessity to operate passenger and express scheduled limousine service between Laguna Beach and Disneyland.

} Application No. 44351

O P I N I O N

Donald B. Ebert, in his amended application, requests authority to establish a limousine-type passenger service between the City of Laguna Beach, on the one hand, and Disneyland, on the other hand, inaugurating the service by operating three regularly scheduled round trips daily including Sundays but excepting the holidays of New Year's Day, Memorial Day, Thanksgiving, and Christmas. The one-way distance is approximately 25 miles. The proposed adult fare is \$5.00 one way and \$9.00 round trip. Children's fare, age 5 to 12 years, is one-half the adult fare. Younger children will be carried free if not occupying a seat. Applicant will commence service with a new 7-passenger Volkswagen Micro-Bus. Need for the service has been determined through interviews with representatives of civic groups and employees of hotels and travel agencies. Applicant is of the opinion that he will be able to attract sufficient patronage, local and tourist, to justify the service and meet out-of-pocket costs. In addition to serving the Disneyland amusement center, applicant's service would provide

connections with other bus services operating between Disneyland and the Los Angeles International Airport. Applicant's financial condition shows a net worth of approximately \$30,000.

The application is not opposed. The Commission finds the proposed service to be in the public interest and that public convenience and necessity require its inauguration and operation as hereinafter set forth. A public hearing is not necessary.

Donald B. Ebert 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, such rights 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 having been made, the Commission being advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be, and it hereby is, granted to Donald B. Ebert, an individual, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 226 of the

Public Utilities Code, for the transportation of persons between the points and places and along the routes as more specifically described 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 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, applicant shall establish the service herein authorized and file in the Commission's office in triplicate tariffs and timetables satisfactory to the Commission.
- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the

regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of JUNE, 1962.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

Donald B. Ebert, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport persons and their baggage between the City of Laguna Beach, on the one hand, and Disneyland, on the other hand, subject to the following conditions:

- (a) Subject to the authority of this Commission to change or modify said passenger stage operation at any time, applicant shall conduct said operation over and along the following route:

Commencing at a point or points within the City of Laguna Beach, thence along city streets to Laguna Canyon Road, thence along Laguna Canyon Road, the Santa Ana Freeway, U. S. Highway No. 101, Harbor Boulevard, Katella Avenue and West Street to Disneyland, returning via the reverse of the above route.

Applicant shall not pick up or discharge passengers at any point except the City of Laguna Beach and Disneyland and shall designate points of pick up and discharge in his tariff.

Applicant is authorized to turn his 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.

Issued by California Public Utilities Commission.

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