

ORIGINAL

Decision No. 65676

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BAYSEL MOYERS, dba MOYERS STAGES to amend his certificate of public convenience and necessity to revise the routing on certain parts of the existing routes, and to abandon certain parts of the existing routes.

Application No. 45323

O P I N I O N

Applicant is currently operating as a passenger stage corporation in the vicinity of Fresno. He seeks to modify certain of his routes. He alleges as follows:

1. The new Fresno State College route in February of 1963 attracted no passengers. The Fresno Municipal Lines operates a route to the new State College, in part over applicant's route. The one schedule a day being operated would be rerouted over applicant's Fresno-Clovis route.

2. The Fresno Air Terminal Route: This route was another deviant off the Fresno-Clovis route. It appears that the Fresno Air Terminal has been moved and no longer requires service. The route also served an industrial area but employment therein has been so reduced in the past four years that public transportation no longer seems to be needed.

3. Fresno-Sanger route: A portion of this route is now detoured for the construction of an overpass. Applicant proposes to consolidate his Calwa and Sanger routes by rerouting the latter to include portions of the Calwa routes he now presently operates.

4. Calwa route: This route ran from Railroad and Church Avenues over Cedar, Maple and Chestnut Avenues (three sub-routes) to Jensen Avenue and return via Ninth Street, Laurite Avenue and Orange Avenue to Church Avenue and thence into Fresno. Applicant now proposes to run his old Sanger route (see 3 above) from Railroad Avenue over Church Avenue, Ninth Street and Jensen Avenue to Sanger and return. He will redesignate it as the Fresno-Calwa-Sanger route. The calwa routes have been serving about 43 people per day most of whom are picked up along the Sanger route.

5. Fresno-Clovis route: This route followed Shields Avenue across a portion of the Fresno Airport property. The City of Fresno has closed this portion and applicant seeks to reroute around the edge of the airport property.

The operating authority of applicant is presently stated in Appendix A to Decision No. 61731 in Application No. 43071. Therefore, the purpose of this application will be accomplished by cancelling applicant's present authority and granting a new certificate for the revised routes.

Copies of this application were served on Fresno Municipal Lines, the Board of Supervisors of Fresno County and the Council of the City of Clovis. Notice hereof was published in the Fresno Bee, a newspaper published in the City of Fresno. No protests to the application have been received.

The Commission finds that:

1. Public convenience and necessity no longer require the services or portions of services authorized to be abandoned by the order following.

2. Public convenience and necessity require the services set forth in the order following.

The Commission concludes that the application should be granted as provided by the ensuing order.

Baysel Moyers 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.

A public hearing is not necessary.

### ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Baysel Moyers, an individual, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes more particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 ten days after the effective date of this order on not less than ten 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate of public convenience and necessity granted by Decision No. 61731 in Application No. 43071, which certificate is hereby revoked, said revocation to become effective concurrently with the

effective date of the tariff filings required by paragraph 2(b) hereof.

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

*gdk* Dated at San Francisco, California, this    day of JULY, 1963.

*William W. Bennett*  
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President

*John L. Bunch*  
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*Wesley B. B. B.*  
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*George L. Traver*  
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*Fredrick B. Holloff*  
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Commissioners

Baysel Moyers, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers, their baggage, and shipments of express weighing 100 pounds or less on passenger-carrying vehicles, between Fresno, Calwa, Sanger, Del Rey and Clovis and intermediate points over the following routes:

1. Fresno-Calwa-Sanger Route

Beginning at the intersection of Fulton and Tulare Streets in Fresno, thence on Tulare Street to H Street, Mariposa Street, Fulton Street, Cherry Avenue, California Avenue, Van Ness Avenue, Railroad Avenue, Church Avenue, Ninth Street, Jensen Avenue to Sanger.

2. Del Rey Route

From Jensen Avenue over McCall Avenue, American Avenue, Bethel Avenue to Jensen Avenue.

3. Fresno-Clovis Route

Beginning at Fresno Street and Broadway in Fresno, thence on Broadway to Tulare Street, H Street, Fresno Street, Shields Avenue, Chestnut Avenue, Dakota Avenue, Peach Avenue, Shields Avenue, Clovis Avenue to the City of Clovis.

Restriction:

No passengers may be picked up and discharged at points on applicant's routes of operation within the City of Fresno between the intersection of Mariposa and H Streets and the intersection of Fresno Street and Clinton Avenue.

Issued by California Public Utilities Commission.

Decision No. 65676, Application No. 45323.