

**ORIGINAL**Decision No. 67020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 BOWES ENTERPRISES, INCORPORATED, for )  
 certificate of public convenience )  
 and necessity to operate a passenger )  
 stage service between the Municipal )  
 Airport of Bishop, California and )  
 Mammoth Lakes, California, and for )  
 certificate of public convenience )  
 and necessity to operate a passenger )  
 stage service in the vicinity of )  
 Mammoth Lakes, California. )

Application No. 46060  
 (Filed December 26, 1963)

O P I N I O N

Applicant requests authorization to institute and conduct operations as a passenger stage corporation for the transportation of passengers and their baggage between the Bishop Municipal Airport and Mammoth Lakes and between Mammoth Lakes and a skiing area and other nearby points. Applicant presently does not possess any Commission authority to transport passengers within the State of California.

The application alleges a special need for the proposed service during the winter months because of snow and dangerous road conditions at altitudes ranging from 4,100 feet to 8,300 feet above sea level. Applicant proposes service only during the winter months of each year, such service commencing Thanksgiving Day and continuing thereafter on each Friday, Sunday and Tuesday until April 15 of the following year.

The proposed service schedule between the airport and the tavern at Mammoth Lakes is co-ordinated to meet an airplane schedule from Los Angeles, and the schedule for the local service from the tavern to the ski area and to other points commences at 7:00 a.m. and ends at 4:00 p.m. and operates every half hour.

A rate of 40 cents per one-way trip is proposed for local service, but the rate for the service between the airport and the tavern is included in the fare for the airplane and also with the rate for hotel accommodations and is consequently unacceptable. Applicant has agreed to prepare a new schedule of rates which will include a round-trip fare and will be entirely independent of hotel and airplane services. In response to representations made by Western Greyhound Lines, applicant has also undertaken to serve only those passengers who have prior or subsequent airplane transportation to or from the airport. Since the Greyhound service does not extend into the Mammoth Lakes area, we find that there should be no restriction in this regard. Under the order which follows, anyone may be carried between these two points.

Applicant has included in its application evidence of sufficient equipment and financial resources and of a public need for the proposed passenger stage service. Upon consideration of this evidence and of other information furnished, the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the service authorized in the following order.
2. Public convenience and necessity require that the application be granted to the extent set forth in the following order.
3. Public hearing is not necessary.

The Commission concludes that the application should be granted to the extent set forth in the ensuing order.

Bowes Enterprises, Incorporated, 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Bowes Enterprises, Incorporated, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A attached hereto and hereby 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 it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules of the California Highway Patrol, the 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 acceptable tariffs and timetables, in triplicate, in the Commission's office.
- (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.

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

Dated at San Francisco, California, this 31st day of March, 1964.

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President

*John E. Atchell*

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*Wesley A. Rags*

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*George E. Turner*

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*Frederick B. Hallock*

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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All changes and amendments as authorized by the Public Utilities Commission of the State of California will be made as revised pages or added original pages.

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Issued under authority of Decision No. 67020  
dated MAR 31, 1964, of the Public Utilities  
Commission of the State of California, on Application  
No. 46060.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS.

Bowes Enterprises, Incorporated, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons and their baggage on passenger carrying vehicles between the Bishop Municipal Airport and Mammoth Lakes and in the vicinity of Mammoth Lakes. Service shall be operated during that period of the year when conditions are favorable for skiing in the Mammoth Mountain area and operation of the service shall be subject to the following conditions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) Service on the Bishop Municipal Airport-Mammoth Lakes Route shall be restricted to those passengers whose point of origin is either the airport or Mammoth Lakes and whose point of destination is either the airport or Mammoth Lakes.

## SECTION 2. ROUTE DESCRIPTIONS

Bishop Municipal Airport-Mammoth Lakes  
Commencing at the Bishop Municipal Airport, thence along Airport Road, Line Street, U. S. Highway 395 and Mammoth Mountain Road to Mammoth Lakes.

Mammoth Lakes Vicinity  
Commencing at Mammoth Lakes, thence along Mammoth Mountain Road to the nearby skiing area.

Issued by the California Public Utilities Commission.

Decision No. 67020, Application No. 46060.