

ORIGINALDecision No. 70355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 EMERY L. DENNIS and KATHRYN L. DENNIS,
 dba United Bus Service, to sell and
 Louis R. Hanson and Bessie Hanson,
 his wife, and Willie T. Boatwright and
 Mary Boatwright, his wife, to purchase,
 the operative rights and equipment of
 the UNITED BUS SERVICE now operating in
 the City of Richmond, California.

Application No. 48098
 (Filed December 6, 1965)

O P I N I O N

This application alleges that Emery L. Dennis, doing business as United Bus Service, is at the present time engaged in the operation of an automotive bus line for the transportation of school children within the cities of Richmond, San Pablo, El Sobrante and Pinole, California, under a certificate heretofore granted by Decision No. 62253, dated July 11, 1961, in Application No. 43357. Applicant has carried on the operation continuously since the effective date of the aforementioned decision over the routes designated therein. In addition, United Bus Service has been servicing the school bus route for Juan Crespi Junior High School, Richmond, California, and applicant requests formal approval thereof.

Applicant Emery L. Dennis proposes to sell, and Louis R. Hanson and Willie T. Boatwright propose to purchase, the operative rights and equipment used in the business for transportation of school children within the cities of Richmond, San Pablo, El Sobrante and Pinole, California, under an agreement heretofore entered into, a copy of which is attached to the application and marked Exhibit A.

It is further alleged that the consideration to be paid for the property herein proposed to be transferred is the sum of \$8,000, which represents the value of the automotive equipment and the value of the operating rights, miscellaneous supplies, parts, tickets and stationery. Subject to the authorization of the Commission, title is to pass to all of the assets involved in the operation of United Bus Service; namely: all the operating rights, franchises, good will, tickets, and stationery, together with the automotive equipment consisting of eight used passenger buses. The original cost of the above-named buses purchased by applicant Dennis is said to be approximately \$5,500.

Upon authorization of the proposed transfer the buyers propose to adopt the fares, rules, and regulations of the seller now on file with the Commission.

Based upon the allegations in the verified application the Commission finds that the purchasers possess the experience, equipment, personnel and financial resources to institute and maintain the proposed service, that this transfer of operative rights and equipment will not be adverse to the public interest, and that public convenience and necessity require that applicants Louis R. Hanson and Willie T. Boatwright be authorized to transport school children within and between the cities of Richmond, San Pablo, El Sobrante and Pinole over the routes set forth in Appendix A hereto attached.

The Commission concludes that the application should be granted by the issuance of a new certificate to applicants Louis R. Hanson and Willie T. Boatwright. A public hearing is unnecessary.

The purchasers are 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.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1966, Emery L. Dennis, doing business as United Bus Service, may sell and transfer, and Louis R. Hanson and Willie T. Boatwright may purchase and acquire, the operative right created by Decision No. 62253 in Application No. 43357 and the property referred to in the present application.
2. Applicants shall amend or reissue the tariffs and timetables on file with the Commission naming rates, rules and regulations governing the common carrier operations herein to show that Emery L. Dennis has withdrawn or canceled, and Louis R. Hanson and Willie T. Boatwright have adopted or established as their own, said rates, rules and regulations. 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 consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to

this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.

3. On or before the end of the third month after the consummation of the transfer as herein authorized, Louis R. Hanson and Willie T. Boatwright shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

4. A certificate of public convenience and necessity is hereby granted to Louis R. Hanson and Willie T. Boatwright authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by paragraph 4 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 62253, which latter certificate is hereby revoked concurrently with the effective date of the tariff filings required by paragraph 2 of this order.

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

Dated at San Francisco, California, this 15th day of FEBRUARY, 1966.

Frederick B. Holbeuff
President

George T. Crowe

Augusta

William L. Bennett

Commissioners
Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Louis R. Hanson and Willie T. Boatwright, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers:

BETWEEN Richmond High School, Helms Junior High School, De Anza High School, Juan Crespi Junior High School and 23rd and Market Street in the City of Richmond, on the one hand, and points on the other hand, within an area bounded as follows:

BEGINNING at the intersection of the northwesterly prolongation of Broadway with San Pablo Bay; thence easterly along said prolongation, Broadway, San Pablo Avenue, Twenty-third Street, Maricopa Avenue, San Pablo Avenue, San Pablo Dam Road, Castro Road to an intersection with Pinole Valley Road; thence from said intersection on a straight line to the intersection of Franklin Canyon Road with U. S. 40 (Freeway); thence northwesterly on the prolongation of the last mentioned line to San Pablo Bay; thence southwesterly along said Bay to the point of beginning. (Both sides of boundary streets or roads included.)

Issued by California Public Utilities Commission.

Decision No. 70355, Application No. 48098.