

**ORIGINAL**Decision No. 71268

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Morlin Childers for certificate of  
public convenience and necessity to  
operate bus service and limousine  
service between tourists' points of  
interest in Imperial County and East  
San Diego County.

Application No. 48207  
(Filed January 24, 1966)  
(Amended August 8, 1966)

O P I N I O N

Applicant seeks authority to institute a sightseeing service originating in the City of El Centro to points of interest in San Diego and Imperial Counties. The proposed routes will begin and end in El Centro and will include such points of interest as Mud Pots, Split Mountain, Fish Traps, Old Beach, Indian Camp, Sand Chimneys, Old Butterfield Stage Route, Smugglers Cave, Superstition Hills, Old Prison, Araz Stage Depot and the All American Canal. Other points are set forth in Appendix A attached hereto. Applicant feels that such a transportation service is needed by the local community for the benefit of its citizens and tourists.

The application was served in accordance with the Commission's Procedural Rules and no protests have been received. The only carrier likely to be affected by the proposed service, Western Greyhound Lines, has indicated that it will not oppose the granting of the application.

Applicant proposes to provide service by utilizing one twenty-passenger bus and two eight-passenger panel four-wheel drive trucks. Applicant's financial statement shows total assets of \$265,500.

Appendix A sets forth the six sightseeing routes applicant proposes to travel. Round trip fares for the routes, and approximate travel times, are as follows:

<u>Route</u>	<u>Approximate Travel Time</u>	<u>Round Trip Fare</u>
Route No. 1	8 hours	\$15 per person
Route No. 2	6½ hours	12 per person
Route No. 3	8 hours	15 per person
Route No. 4	6½ hours	12 per person
Route No. 5	10 hours	20 per person
Route No. 6	10 hours	20 per person

At this time, applicant does not propose special rates, group rates, or half fares for children; however, children not occupying a seat will ride free. Applicant proposes an on call service subject to a minimum of four full fares.

Upon consideration, the Commission finds that applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

Public convenience and necessity require that the application be granted as set forth in the ensuing order. A public hearing is not necessary.

Morlin Childers 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 Morlin Childers authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, over the routes particularly 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. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, 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-A and insurance requirements of the Commission's General Order No. 101-B. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A or 101-B, 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 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-A.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of SEPTEMBER, 1966.

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 President  
*George L. Dwyer*  
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 Frederick E. Holboell

\_\_\_\_\_  
*William L. Burnett*  
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*Augusta*  
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 Commissioners

Commissioner Peter E. Mitchell, 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. 71268  
dated SEP 13 1966, of the Public Utilities  
Commission of the State of California, on Application  
No. 48207.

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

MORLIN CHILDERS, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing purposes commencing at any point within the City of El Centro, to points of interest in Imperial and San Diego Counties, and returning to the point of beginning in El Centro, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Service shall be limited to the transportation of round-trip passengers, originating in the City of El Centro.
- (b) Service shall be operated on an on call basis, subject to a minimum of four adult passengers.

Issued by the California Public Utilities Commission.

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SECTION 2. ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify such at any time, MORLIN CHILDERS shall conduct said sightseeing passenger stage operations over and along the following described routes:

Route No. 1

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Mud Pots, Ocotillo Wells, Split Mountain, Gypsum Mine, Fish Creek, Fish Traps, and return to point of beginning.

Route No. 2

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Old Beach, Indian Camp, Indian Drawings, Oyster Beds, Yuba Wells, Petrified Woods, and return to point of beginning.

Route No. 3

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Dos Cabezas, Sand Chimneys, Alverson Canyon, Painted Gorge, Old Butterfield Stage Route, and return to point of beginning.

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SECTION 2. ROUTE DESCRIPTIONS (Continued)Route No. 4

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Smugglers Cave, Desert Look-Out Tower, Davies Valley, Pinto Canyon, Old Pioneer House, Crucifixion Thorns, and return to point of beginning.

Route No. 5

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Old Beach Line, Split Mountain Canyon, Gypsum Mine, Mud Pots, Steam Well, Red Flowing Wells, Hot Mineral Spa, Travertine Point, 17 Palms, Harper's Well, Superstition Hills, Old Prison, and return to point of beginning.

Route No. 6

Commencing at any point in the City of El Centro, thence via the most appropriate route or routes to points of interest in order:

Brock Experimental Farm, All American Canal, Sand Dunes, Ogilby, Tumco Mine, Pilot Knob, Araz Stage Depot, Picacho Area, Imperial Dam area, and return to point of beginning.

End of Appendix A

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