

Decision No. 72097

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 BASE C. FEREBEE and DENNIS K. HARTMAN }
 to sell, and MAMMOTH BUS LINES, INC., }
 to purchase certain operating rights. }

Application No. 49062
 (Filed December 30, 1966)

O P I N I O N

By Decision No. 71506 dated November 1, 1966, in Application No. 48827, Base C. Ferebee and Dennis K. Hartman were granted authority to operate a passenger stage service between Old Mammoth and Mammoth Mountain Ski Lift. They recently incorporated under the name of Mammoth Bus Lines, Inc. and request authority to transfer the certificate to the new corporation for a cash consideration of \$50.

It is alleged that applicants are the sole stockholders and will furnish Mammoth Bus Lines, Inc. with the necessary financial support to assure continued service.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Base C. Ferebee and Dennis K. Hartman and the issuance of a certificate in appendix form to Mammoth Bus Lines, Inc.

Mammoth Bus Lines, Inc. 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. On or before August 1, 1967, Base C. Ferebee and Dennis K. Hartman may sell and transfer, and Mammoth Bus Lines, Inc., may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Mammoth Bus Lines, Inc. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.
3. Applicants shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that Base C. Ferebee and Dennis K. Hartman have withdrawn or canceled, and Mammoth Bus Lines, Inc. has adopted or established, as its own, said rates and rules. 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.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Mammoth Bus Lines, Inc. 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.

5. Concurrently with the tariff filings required by ordering paragraph 3 hereof, the operating authority granted by Decision No. 71506 is hereby revoked and in its place and stead a certificate of public convenience and necessity is hereby granted to Mammoth Bus Lines, Inc., a corporation, 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 more particularly set forth in Appendix A attached hereto and made a part hereof.

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

Dated at San Francisco, California, this 28th day of FEBRUARY, 1967.

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

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

William J. Board
President

William J. Board

Shed P. Morrison
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

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

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.

Issued under authority of Decision No. 72097
dated FEB 28 1967, of the Public Utilities
Commission of the State of California, in Application
No. 49062.

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

Mammoth Bus Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and ski equipment between the town of Mammoth Lakes and the Mammoth Mountain Ski Lift and intermediate points over the route hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Scheduled service shall be operated daily between November 1 and May 1 when the Mammoth Mountain Ski Lift is in operation.

SECTION 2. ROUTE DESCRIPTION

Commencing at the Alpenrose Lodge, in the town of Old Mammoth, thence along Forest Development Road 3510, Old Mammoth Road, State Highway No. 112 and Minaret Summit Road to the Mammoth Mountain Ski Lift.

Issued by California Public Utilities Commission.

Decision No. 72097, Application No. 49062.