

ORIGINALDecision No. 72624

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JAMES E. PEADEN, dba
 Red Top Bus Service, to sell, and
 C. J. COON, dba Blythe-Calexico
 Shortline Stages, to purchase, oper-
 ating rights of Red Top Bus Service
 between Blythe, California, and
 Calexico, California, and intermed-
 iate points.

Application No. 49283
 Filed April 12, 1967

O P I N I O N

James E. Peaden requests authority to sell and transfer, and C. J. Coon, doing business as Blythe-Calexico Shortline Stages, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing service as a passenger stage corporation between Blythe and Calexico and intermediate points.

The certificate was granted by Decision No. 65514, dated June 4, 1963, in Application No. 45353. Said authority was suspended on August 22, 1966, for failure to maintain adequate liability insurance.

The agreed consideration is \$10. As of November 14, 1966, applicant purchaser indicated a net worth in the amount of \$325,070.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The application will be granted. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by James E. Peaden and the issuance of a certificate in appendix form to C. J. Coon.

C. J. Coon 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.

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 December 1, 1967, James E. Peaden may sell and transfer, and C. J. Coon may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, C. J. Coon 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 James E. Peaden has withdrawn or canceled, and C. J. Coon has adopted or established, as his 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, C. J. Coon 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to C. J. Coon, a corporation, 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 particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 65514, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. In providing service pursuant to the certificate herein granted, applicant Coon 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 he accepts the certificate of public convenience and necessity herein granted, he 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. Applicant shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 20th day of JUNE, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
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. 7262A
dated JUN 20, 1967, of the Public Utilities
Commission of the State of California in Application
No. 49283.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to James E. Peaden, dba Red Top Bus Service and his predecessors.

C. J. Coon, doing business as Blythe-Calexico Shortline Stages, by certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between Blythe and Calexico and intermediate points, subject to the following conditions:

- (a) Applicant shall not transport any passenger having origin or destination west of the Coachella branch of the All-American Canal.
- (b) Applicant shall serve all the principal labor camps of Palo Verde Valley where Mexican Nationals are quartered, upon one day's notice in advance that transportation services between Blythe and Calexico will be required for a Saturday southbound and a Sunday northbound passage.
- (c) Applicant shall also provide an "on-call" service between Blythe and Calexico for a minimum of twenty round trip passengers.

Issued by California Public Utilities Commission.

Decision No. 72624, Application No. 49283.

NB

Appendix A

C. J. COON
doing business as
BLYTHE-CALEXICO SHORTLINE STAGES

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SECTION 2. SERVICE AREA AND ROUTE DESCRIPTION

Subject to the authority of this Commission to change or modify said passenger stage operation at any time, applicant shall conduct said operation over and along the following route or routes:

ROUTE DESCRIPTION

Beginning at Blythe, California, thence along the most direct and convenient streets, highways, and roads within the Palo Verde Valley, then southerly from the said Valley along State or County Road to Glamis, then westerly to the Junction of State Highway No. 111, thence along said Highway to Calexico, returning by reverse of said route.

Issued by California Public Utilities Commission.

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