

Decision No. 73573**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of PHILIP C. LUPO, an individual,
doing business as TAHOE TRANSIT
LINES, to Sell, and CHARLES CRYDERMAN,
an individual, to Buy, certificate
of public convenience and necessity
authorizing transportation of passengers
between points on the South Shore of
Lake Tahoe.

Application No. 49825
(Filed November 30, 1967)

O P I N I O N

Philip C. Lupo, doing business as Tahoe Transit Lines (Seller), seeks to sell, and Charles Cryderman (Buyer) seeks to acquire, a certificate of public convenience and necessity as a passenger stage corporation between Camp Richardson and State Line, along California Highway 89 and U. S. Highway 50. Operating property consisting of two Ford 12-passenger buses also will be transferred. The certificate in question was acquired by Seller pursuant to Decision No. 69236, dated June 15, 1965, in Application No. 47562.

The verified application states that Seller desires to dispose of the operative right in order to further his business interests in the Los Angeles area. Attached to the application is Buyer's financial statement as of November 15, 1967. The statement shows Buyer's net worth on that date to be \$24,650. The application alleges that Buyer has been a resident and property owner in the South Shore area for the past several years, and that he is familiar with the transportation facilities and routes of Seller's operation, and has operated limousines in the area.

A. 49825 lm

An agreement of sale is attached to the application. It provides that the total price for the public utility property to be acquired will be \$3,500, of which \$400 was paid upon the execution of the agreement on November 27, 1967. The balance will be paid when the transfer has been approved.

The application further states that Buyer will continue to operate the service in accordance with the schedules and fares now in effect.

No protest or request for hearing has been received.

After consideration the Commission finds that the proposed transfer will not be adverse to the public interest. A public hearing is not necessary.

Charles Cryderman 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 herein authorized to be transferred.

The order which follows, in the event the transfer is consummated, will provide for the revocation of the certificate presently held by Philip C. Lupo, doing business as Tahoe Transit Lines, and the issuance of a new certificate to Charles Cryderman.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1968, Philip C. Lupo may sell and transfer, and Charles Cryderman may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Charles Cryderman shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any instrument of transfer which may be executed to effect said transfer.

3. Charles Cryderman shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the passenger stage corporation operations herein to show that he 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 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. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Charles Cryderman 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 for accounting purposes of the transfer.

5. In the event the transfer authorized in Ordering Paragraph No. 1 hereof is consummated, a certificate of public convenience and necessity is granted to Charles Cryderman authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, and as provided in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in Ordering Paragraph No. 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 69236, dated June 15, 1965, in Application No. 47562, which certificate shall be revoked effective concurrently with the effective date of the tariff filings required by Ordering Paragraph No. 3 hereof.

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

Dated at San Francisco, California, this 3rd day of JANUARY, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

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Appendix A

CHARLES CRYDERMAN
doing business as
Tahoe Transit Lines

Original Page 1

Charles Cryderman, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers between Camp Richardson and State Line, serving all intermediate points on, along, and within one mile laterally of the following routes:

- (a) California Highway 89 between Camp Richardson and The Wye situated at the junction of said California Highway 89 and U. S. Highway 50.
- (b) U. S. Highway 50 between a point two miles south of The Wye and State Line including service to the Greyhound Depot on Ski Run Boulevard and Tahoe Avenue.

Issued by California Public Utilities Commission.

Decision No. 73573, Application No. 49825.