

ORIGINALDecision No. 73770

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Howard B. Pettersen, doing business
as PETERSEN BUS COMPANY, for a
certificate of public convenience
and necessity to extend service and
revise routes.

Application No. 49852
(Filed December 6, 1967)

O P I N I O N

Howard B. Pettersen, doing business as Pettersen Bus Company, conducts operations as a passenger stage corporation pursuant to a certificate granted by Decision No. 61107, in Application No. 42561, authorizing the transportation of passengers between Mare Island, on the one hand, and Napa and intermediate points via certain specified routes, on the other hand. By this application he requests that the routes within the area including the City of Napa plus three miles outside the city limits not be specified with particularity and that said operative right be restated; and, he seeks authority to transport passengers between Mare Island, on the one hand, and an area comprising the City of St. Helena plus three miles outside the corporate limits, and intermediate points, on the other hand.

A copy of the application was served upon parties affected thereby and the application was listed on the Commission's Daily Calendar of December 7, 1967; there are no protests. Western Greyhound Lines, in a letter to the Commission dated December 26, 1967 points out that a substantial portion of the route over which applicant proposes to operate, namely California Highway 29 from its junction with California Highway 37 (formerly 18) to St. Helena is

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served by Western Greyhound Lines Intercity Route 7.01. It requested that the authority sought be restricted as follows:

"No passengers to be handled having both point of origin and destination between St. Helena and Junction California Highways 29 and 37, both points inclusive."

Applicant stated that he is willing to accept such restriction. In a letter to the Commission dated January 2, 1968, applicant stated that the authority is restricted to Mare Island employees only and the only passengers to be transported are commuters to Mare Island. Actually, the application seeks authority to serve St. Helena as an extension and enlargement of applicant's existing service. His present certificate is subject to the restriction that only passengers destined to or originating from Mare Island may be transported. Said restriction includes the restriction proposed by Western Greyhound Lines.

Applicant proposes to make one round trip daily between St. Helena and Mare Island during the workweek (Monday through Friday), leaving St. Helena at 5:55 a.m., and arriving at Mare Island at 7:00 a.m., and leaving Mare Island at 4:20 p.m. He proposes to charge a one-way cash fare of 75 cents, a round-trip cash fare of \$1.25 and a commuter ticket good for passage for two calendar weeks at \$10.

Applicant states that he has received numerous and repeated requests from persons employed at the Mare Island Naval Shipyard to provide bus service to St. Helena. He has seven buses, each having 37 or more seats, which he represents are sufficient to properly serve St. Helena as well as Napa.

In support of the requested amendment to the authority to serve Napa, applicant states that the routings within the City of

Napa prescribed in his present certificate are now obsolete. He also asserts that Napa is growing rapidly and new subdivisions are being developed throughout the area so that flexibility of routing within the service area at Napa is necessary.

We find that public convenience and necessity require the transportation service proposed by applicant. We conclude that the application should be granted and that a public hearing is not necessary.

Howard B. Pettersen 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Howard B. Pettersen, an individual, 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.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 61107, which certificate is revoked effective concurrently with the effective date of the tariff and timetable filings required by paragraph 3(b) hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (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.
- (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 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 27th day of FEBRUARY, 1968.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

SECTION 1.

GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS

The certificate hereinafter noted supersedes all authority to operate as a passenger stage corporation heretofore granted to Howard B. Pettersen.

Howard B. Pettersen, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between Napa and St. Helena and within a radius of 3 miles of their corporate limits, on the one hand, and the Mare Island Naval Shipyard, on the other hand, and intermediate points over the routes hereinafter described, subject to the following provisions:

1. Only passengers destined to or originating at Mare Island Naval Shipyard shall be transported.
2. Routes may be combined for operational purposes.

Issued by California Public Utilities Commission.

Decision No. 73770, Application No. 49852.

SECTION 2. ROUTE DESCRIPTIONS

NAPA ROUTE

Commencing in the City of Napa or any point within three miles of the Napa City Limits; thence to State Highway 29; thence along State Highway 29 and State Highway 37 (Sears Point Road) to the entrance of the Mare Island Naval Shipyard.

ST. HELENA ROUTE

Commencing in the City of St. Helena or any point within three miles of the St. Helena City Limits; thence to State Highway 29; thence via State Highway 29 and State Highway 37 (Sears Point Road) to the entrance of the Mare Island Naval Shipyard.

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