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ORIGINAL

Decision No. 74120

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of YELLOW INVESTMENT CO., a
California corporation, for
certificate of public convenience
and necessity to operate (1) as
a passenger stage corporation
providing passengers, express
property and baggage service
between Sacramento Metropolitan
Airport and the City of Sacramento,
California, including an "on call"
passenger service within 200 miles
of the City of Sacramento.

Application No. 49850
(Filed December 5, 1967,
Amended April 1, 1968)

OPINION AND ORDER

Yellow Investment Co., a corporation, sought, in the application originally filed, a certificate of public convenience and necessity to operate as a passenger stage corporation for the transportation of passengers and their baggage:

- (1) Between Sacramento, on the one hand, and Sacramento Metropolitan Airport and Sacramento Municipal Airport (as an alternate airport), on the other hand, along described routes.
- (2) To provide an auxiliary "on call" service as an adjunct to the above service, from Sacramento to points within a radius of 200 miles thereof.

Interim Decision No. 73550, issued December 27, 1967, granted applicant a certificate to transport passengers, their baggage and express, between Sacramento Metropolitan Airport, on the one hand, and applicant's terminal in the City of Sacramento, on the other hand. Said certificate also provided that passengers shall be picked up and discharged only at points and places to be named in tariffs and timetables filed with the Commission.

The Commission also concluded in Decision No. 73550 that the balance of the application not granted by the interim order should be set for hearing. The relief sought in the second paragraph (above) was protested by Amador Stage Lines, Inc., Allen Transportation Company and Greyhound Lines, Inc.

The first amendment to the application, filed April 1, 1968, abandoned the request to provide an on-call service from Sacramento to points within a radius of 200 miles thereof (paragraph 2 above), and requested authority to amend the certificate granted by Decision No. 73550 to provide an "on-call" airport limousine service between certain motels and hotels in and near Sacramento, on the one hand, and Sacramento Metropolitan Airport and Sacramento Municipal Airport, on the other hand. The protests mentioned above were rescinded following the filing of the amended application.

The amendment to the application incorporates a schedule of the points from and to which service would be provided on an "on-call" basis, and the proposed fares between such points and Sacramento Metropolitan Airport. This pleading also incorporates a letter from the Director of Airports of the Sacramento County Department of Airports (operator of Sacramento Metropolitan Airport) addressed to the Commission, requesting that applicant be authorized to serve the additional points shown in the amendment to the application.

The Commission finds as follows:

1. Applicant possesses the necessary equipment, experience, and financial ability to provide the proposed limousine service between the additional points sought herein and Sacramento Metropolitan Airport.
2. In providing a passenger stage service for the transportation of airline passengers and their baggage between Sacramento and

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vicinity and Sacramento Metropolitan Airport, applicant will not compete with any passenger stage corporation now authorized to provide service.

3. Capitol Transportation Company, a corporation, has been authorized to provide airport limousine service between Sacramento Municipal Airport, on the one hand, and Sacramento and West Sacramento points, on the other hand (Decision No. 59390, in Application No. 41616).

4. Public convenience and necessity require the proposed additional operations as a passenger stage corporation between Sacramento and vicinity and Sacramento Metropolitan Airport.

5. A public hearing is not necessary.

The Commission concludes that the proposed service described in finding 4 should be authorized without hearing and that the balance of the application, as amended, should be denied.

For convenience in stating the operative rights granted herein, the service area authorized will include all points within two miles of the Sacramento city limits, in lieu of naming the specific hotels and motels described in the application.

Yellow Investment Co. 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Yellow Investment Co., a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Sacramento Metropolitan Airport, on the one hand, and points within two miles of the city limits of Sacramento, on the other hand, via the routes set forth in revised Appendix A attached hereto and made a part hereof, as an extension and enlargement of the certificate granted in Decision No. 73550 in this proceeding.

2. Appendix A of Decision No. 73550 is amended by incorporating therein First Revised Page 1 in revision of Original Page 1.

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 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.
- (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.

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- (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.

4. Except to the extent granted herein, Application No. 49850, as amended, is denied.

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

Dated at San Francisco, California, this

21st day of MAY, 1968.

Ed E. Mitchell
President
William W. Bennett
Augustin
William F. Lynam Jr.
John P. Morrissey
Commissioners

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Appendix A
(Dec. 73550)

YELLOW INVESTMENT CO.
(a corporation)

First Revised Page 1
Cancels
Original Page 1

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

Yellow Investment Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers, their baggage and shipments of express weighing one hundred pounds or less, on passenger-carrying vehicles, between the Sacramento Metropolitan Airport, on the one hand, and the City of Sacramento, or any point within two miles of the Sacramento city limits, on the other hand, over the routes hereinafter described subject to the following provisions:

- (a) No passengers shall be transported except those having either point of origin or destination at the Sacramento Metropolitan Airport.
- (b) Passengers shall be picked up and discharged only at points and places to be named in tariffs and timetables filed with the Commission.

SECTION 2. ROUTE DESCRIPTIONS.

Sacramento-Sacramento Metropolitan Airport

Commencing at any point within the authorized service area, thence to the downtown terminal of Yellow Investment Co. in the City of Sacramento, thence via the most appropriate city streets and public highways to the Sacramento Metropolitan Airport, and return via the same routing.

Issued by California Public Utilities Commission.

Changed by Decision No. 74120, Application No. 49850.