

Decision No. 74188**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of WILLIAM TANNER for certificate of
public convenience and necessity to
operate passenger stage service
between the cities of Modesto, Manteca
and Stockton, on the one hand, and the
Tracy Defense Depot and Sharpe Depot
at Lathrop on the other hand.

Application No. 50193
(Filed April 29, 1968)

O P I N I O N

Applicant requests a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of passengers between the cities of Modesto, Manteca and Stockton, on the one hand, and the Tracy Defense Depot and Sharpe Depot at Lathrop, on the other hand, as hereinafter described. Western Greyhound Lines, Inc. is the only bus line providing regular service in the area. A copy of the application was mailed to Western Greyhound Lines, Inc. and no protest has been received.

It is alleged that service is to be provided by three 41-passenger and two 43-passenger buses. The schedules will be operated as required to arrive just before all of the shift changes at each of the defense depots. All passengers to be transported will be employed within or seeking employment in the depot area. If a strike or lockout stops work the bus service will be discontinued until the work resumes.

It is further alleged that there is presently no public transportation available to perform the service applicant seeks to provide; that workers now either drive their own cars or join a car pool to get to work; this creates parking problems and traffic congestion when the shifts change; employees are occasionally late to work or late getting home due to this congestion. Applicant alleges that his proposed bus service will alleviate or eliminate this congestion and that the majority of the employees along with the depot military personnel favor institution of the service proposed.

Applicant's balance sheet as of December 31, 1967 shows current assets of \$4,838.41 and fixed assets of \$21,842.80 (total assets \$26,681.21); current liabilities total \$5,790.00 and fixed liabilities \$14,382.00 (total liabilities \$20,172.00). His profit and loss statement for the year ended December 31, 1967 indicates a gross profit of \$21,588.04, operating expenses of \$13,092.41 and a net profit of \$8,495.63.

Upon consideration of the evidence the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
3. Public hearing is not necessary.

Applicant 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. A certificate of public convenience and necessity is granted to William Tanner, 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. 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 the date hereof.

Dated at San Francisco, California, this 28th day of MAY 4, 1968.

[Signature]
President

[Signature]
[Signature]
[Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

William Tanner, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between the Tracy Defense Depot and the Sharpe Depot at Lathrop, on the one hand, and any points within the Cities of Modesto, Manteca and Stockton, or within two miles of the corporate limits of said cities, on the other hand, over the most appropriate routes, subject to the following provisions:

1. Only passengers destined to or originating at the Tracy Defense Depot or the Sharpe Depot at Lathrop shall be transported.
2. Service shall be operated only at times necessary to meet employees' shift changes.

Issued by California Public Utilities Commission.

Decision No. 74188, Application No. 50193.