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ORIGINAL

Decision No. 74233

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Robert E. James and Edward W.)
Short, doing business as GOLDEN)
GAZELLE LINES, for authority to)
operate passenger stage service)
between the Cities of Newark,)
Fremont, Union City, and Hayward)
on the one hand, and United Air)
Lines Maintenance Base at)
San Francisco International)
Airport on the other hand.)

Application No. 50163
(Filed April 11, 1968)

O P I N I O N

By this application, filed April 11, 1968, Robert E. James and Edward W. Short, doing business as Golden Gazelle Lines, request a certificate of public convenience and necessity authorizing them to operate as a passenger stage corporation between the cities of Newark, Fremont, Union City and Hayward, on the one hand, and the United Air Lines Maintenance Base, located at or near the San Francisco International Airport, on the other hand.

Applicants own a 1947 G.M.C. Model 3703 bus with a capacity of 37 passengers. They propose to use this equipment and operate a northbound morning schedule and a southbound afternoon schedule. Applicants have assets of \$3,600 and no liabilities. They propose the following five-day, round trip commute fares for the service:

<u>Between United Air Lines</u> <u>Maintenance Base and</u>	<u>Five-day Round Trip</u> <u>Commute Fare</u>
Hayward	\$4.00
Union City	4.50
Newark or Fremont	5.00

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The application asserts that there are no other passenger stage lines or other public utility passenger services operating in competition with the proposed service; that applicants have received repeated requests from persons and personnel employed at the United Air Lines Maintenance Base to provide said service; that if the sought certificate is granted, the number of automobiles now in use between the United Air Lines Maintenance Base and the aforementioned cities would be reduced thereby relieving the overcrowded parking conditions at the base and the peak morning and evening highway traffic; that the sought service is a necessity to the employees of the maintenance base who are residents of the four cities; and that applicants have ample equipment to provide the service.

The application points out that the United Air Lines Maintenance Base and also the residential areas in and about the cities of Newark, Fremont, Union City and Hayward are all expanding rapidly. It states that commute riders frequently move from one residential area to another. For this reason, it is requested that, should the proposed certificate be issued, applicants not be restricted to a particular route.

Copies of the application were served on Western Greyhound Lines, Peerless Stages and other interested parties. The application was listed on the Commission's Daily Calendar of April 12, 1968. No protests have been received.

The Commission finds that:

1. Applicants possess the necessary equipment to provide the proposed service.
2. Public convenience and necessity require that the application be granted as provided in the order which follows.

3. A public hearing is not necessary.

The Commission concludes that the application should be granted.

Inasmuch as applicants have not clearly defined the residential areas surrounding the cities which they propose to serve, the order which follows will provide that they may serve all points and places within a radius of three air miles of the corporate limits of said cities.

Applicants are 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 Robert E. James and Edward W. Short, doing business as Golden Gazelle Lines, authorizing them 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, applicants 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, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they 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, applicants 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) Applicants shall maintain their 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 their 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 Los Angeles, California, this 11th day of JUNE, 1968.

[Signature]
President

[Signature]
William J. Lyons
Paul P. Monissey
Commissioners

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

