

ORIGINALDecision No. 74413

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RALPH C. HARMONY and JOHN J. HABR
for certificate of public convenience
and necessity to operate passenger
stage service between the cities of
San Jose, Campbell, Cupertino,
Sunnyvale, Santa Clara and Milpitas,
on the one hand, and the Maintenance
Base located at International Airport,
San Francisco, on the other hand.

Application No. 50273
(Filed May 27, 1968)

O P I N I O N

Ralph C. Harmony and John J. Habr, doing business as West Valley Charter Lines, request a certificate of public convenience and necessity to establish and to operate a passenger stage service for the transportation of passengers between the cities of San Jose, Campbell, Santa Clara, Sunnyvale, Cupertino and Milpitas, on the one hand, and the Maintenance Base at San Francisco International Airport, on the other hand.

The purpose of applicants' operation is to provide transportation for employees of the airlines operating at the Maintenance Base or persons seeking employment at such airlines. Applicants will not pick up or discharge passengers outside the six communities served, and all passengers are required to be either employees of the airlines or job applicants. In the event of a strike or other shutdown at the airport applicants would not operate during such periods.

Applicants relate that the proposed service is required to alleviate traveling and parking problems of employees at the

Maintenance Base. Due to the various shifts at the base the present means of conveyance is inadequate and results in delays and work tardiness. Applicants' schedules between the points will be designed to meet employee shift needs and the requirements of the industries served. The areas are presently served by Greyhound Lines, Inc., along fixed routes or fixed terminals not convenient for the employees to be served by applicants. Greyhound Lines was mailed a copy of the application on or about May 27, 1968. The application was listed on the Commission's Calendar of May 28, 1968. No protest has been filed. No other passenger stage carrier serves these terminals.

Applicants state that they have total assets of \$70,369, including eight buses capable of carrying 37 to 41 passengers each, and that applicants are fully insured.

Applicants propose to charge the following fares:

Round Trip Fares

From all points to the Airport	\$6.00 weekly
	1.25 daily

These fares will be reduced by \$1.00 per day for holidays observed by the Maintenance Base; days served on jury duty; death-in-the-family absences; vacations which begin or end during the week. If a rider misses the entire week no charge will be made.

The Commission finds as follows:

1. Applicants possess the necessary equipment, experience, and financial ability to provide the proposed passenger stage service for employees or job applicants of the airlines between the points set out in Appendix A.
2. Public convenience and necessity require the granting of the authority sought.
3. A public hearing is not necessary.

Ralph C. Harmony and John J. Habr, doing business as West Valley Charter Lines, 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 Ralph C. Harmony and John J. Habr, doing business as West Valley Charter Lines, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between San Jose, Campbell, Santa Clara, Sunnyvale, Cupertino and Milpitas, on the one hand, and the Maintenance Base at International Airport, San Francisco, on the other hand, via the routes set forth in Appendix A attached hereto and made a part hereof for the purpose of providing transportation to employees or job applicants of the airlines operating within the Maintenance Base.
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 San Francisco, California, this
16th day of JULY, 1968.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

William Synnott, Jr.
President
William L. Belmont
Commissioners
August
Richard P. Monessey
Commissioners

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS

Ralph C. Harmony and John J. Habr, doing business as West Valley Charter Lines, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers on passenger-carrying vehicles between the Air Lines Maintenance Base at or near the San Francisco International Airport, on the one hand, and the cities of Campbell, San Jose, Santa Clara, Cupertino, Sunnyvale and Milpitas, on the other hand, over the routes hereinafter described, subject to the following provision:

No passengers shall be transported except those having point of origin or destination at said Air Lines Maintenance Base.

SECTION 2. ROUTE DESCRIPTION

Commencing at any points within the cities of Campbell, San Jose, Santa Clara, Cupertino, Sunnyvale or Milpitas, thence to the Air Lines Maintenance Base at or near the San Francisco International Airport, via any and all appropriate routes, and return via the same routing.

Issued by California Public Utilities Commission.

Decision No. 74413, Application No. 50273.