

ORIGINAL

Decision No. 74436

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of COMMUNITY ENTERPRISES, INC.,
a California corporation, for a
certificate of public convenience
and necessity to operate passenger
stage service between points in
Camp Pendleton, San Diego County,
California, and the City of San
Clemente, Orange County, California,
on the one hand, and Disneyland,
City of Anaheim, Orange County,
California, on the other hand.

Application No. 50266
(Filed May 23, 1968;
Amended June 14, 1968)

O P I N I O N

Community Enterprises, Inc. (applicant) has authority from this Commission to operate as a passenger stage corporation between the City of San Clemente, California, on the one hand, and Camps San Onofre, Horno, San Mateo, Talega and Christianitos, in the Camp Pendleton Marine Base, on the other hand. By this application, as amended, applicant requests authority to provide passenger stage service between each of said points, excluding the City of San Clemente, on the one hand, and Disneyland in the City of Anaheim on the other hand.

Applicant owns, leases and operates over 200 pieces of passenger equipment and proposes to operate nine 12-passenger vans in limousine service or passenger recliner coaches with a capacity of 39, 41, or 45 passengers and suburban transit-type coaches of 53-passenger capacity for the service herein proposed. Applicant proposes to render the herein-requested service on an on-call basis

for twelve or more passengers originating at any one or all of the camps referred to above.

Applicant proposes to schedule a bus or buses to return from the Disneyland area each Sunday leaving Disneyland at 3:55 p.m. to return to Camp Pendleton at 5:30 p.m. Applicant had total assets of \$608,744 on December 31, 1967 and total liabilities of \$525,063. For the year 1967 it had a net income, after income taxes, from all operations of \$42,640.

Applicant will establish a one-way fare of \$2.75 and a round-trip fare of \$4.50 between Disneyland, on the one hand, and the camps, on the other hand.

Southern California Rapid Transit District, Western Greyhound Lines and Transcontinental Bus System, the only possible competing carriers, each advised the Commission that it has no objection to the granting of the application as amended.

The California Division of Highways was served with a copy of the application on or about May 15, 1968. It has not filed an objection to the proposed use by applicant of the Santa Ana Freeway. Copies of the application and the amendment thereto were served on Orange County, San Diego County, the City of San Clemente, and the City of Anaheim. The application and amendment thereto were listed on the Commission's Daily Calendar of May 27, and June 18, 1968. No objection to the granting of the application, as amended, has been received.

The applicant asserts that public convenience and necessity require the institution of the proposed service for the reasons that during the present conflict in Vietnam the five camps, Camp San Onofre, Camp Horno, Camp San Mateo, Camp Talega and Camp Christianitos, all within the confines of Camp Pendleton in San Diego County, are being used for the training of marines for the Vietnam

conflict; that these marines frequently have weekend leave and desire to spend as much time in Disneyland as possible; that applicant has received many requests by these servicemen for direct service from the five base camps to Disneyland; that at the present time the only manner in which these marines can reach Disneyland is by the applicant's service to San Clemente, then by Greyhound bus to Santa Ana, then by the Southern California Rapid Transit District bus out of the City of Santa Ana to Disneyland, each service requiring a separate fare; and that it is highly desirable for these marines, whose time is greatly limited, to be able to secure transportation at their base camp and be transported directly to Disneyland without the necessity of two transfers and the consequent delays in time.

The Commission finds that:

1. Applicant possesses the necessary equipment, personnel and financial resources to institute and maintain 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. For the purposes of clarification, applicant's operating authority will be restated.

Community Enterprises, Inc., 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 Community Enterprises, Inc., a corporation, authorizing it 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 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 five days after the effective date of this order on not less than five 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 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede all existing certificates of public convenience and necessity authorizing the transportation of persons as a passenger stage corporation,

heretofore granted to or acquired by Community Enterprises, Inc., and presently possessed by it, which certificates are revoked effective concurrently with the effective date of the tariff filing required by paragraph 2(b) hereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23rd day of JULY, 1968.

William J. ...
President
William H. ...
Commissioners
David P. Morrissey
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A

COMMUNITY ENTERPRISES, INC. Original Page 1
(a corporation)

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

All changes and amendments as authorized by the Public Utilities
Commission of the State of California will be made as revised
pages or added original pages.

Issued under authority of Decision No. 74436, dated July 23,
1968, of the Public Utilities Commission of the State of
California, on Application No. 50266, amended.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS

Community Enterprises, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin is authorized to transport passengers:

1. Between the City of San Clemente, on the one hand, and Camps San Onofre, Horno, San Mateo, Talega and Christianitos, on the other hand, over and along the routes hereinafter described, subject to the following condition:

All passengers originating at or destined to the City of San Clemente shall originate at or be destined to Camp San Onofre, Camp Horno, Camp San Mateo, Camp Talega or Camp Christianitos.

2. Between Disneyland, City of Anaheim, on the one hand, and Camps San Onofre, Horno, San Mateo, Talega, and Christianitos, on the other hand, over and along the route hereinafter described, subject to the following condition:

All passengers originating at or destined to Disneyland, City of Anaheim, shall be destined to or originate at Camp San Onofre, Camp Horno, Camp San Mateo, Camp Talega or Camp Christianitos. Such service shall be operated on an "on call" basis, subject to a minimum of twelve passengers.

Issued by California Public Utilities Commission.

Decision No. 74436, Application No. 50266, amended.

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Appendix A

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(a corporation)

SECTION 2. ROUTE DESCRIPTIONS

1. Camp San Onofre - Camp Horno

Commencing at applicant's terminal in San Clemente, thence via El Camino Real (U.S. Highway 101), Santa Ana Freeway, Basilone Road, to the Camp San Onofre gate. Return via the reverse of the going route.

2. Camp San Mateo - Camp Christianitos - Camp Talega

Commencing at applicant's terminal in San Clemente, thence via El Camino Real (U.S. Highway 101) to the Camp San Mateo gate. Return via the reverse of the going route.

3. Camps San Onofre, Horno, San Mateo, Talega, or Christianitos - Disneyland, City of Anaheim

Commencing at gates to Camps San Onofre, Horno, San Mateo, Talega or Christianitos, thence via Interstate Highway 5 (San Diego Freeway and Santa Ana Freeway), Katella Avenue, Anaheim, and West Street to Disneyland. Return via reverse of going route.

Issued by California Public Utilities Commission.

Decision No. 74436, Application No. 50266, amended.