

ORIGINAL

Decision No. 75686

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Sanford B. Weiss for Certificate of)
Public Convenience and Necessity to)
Operate a Passenger Stage Service)
between San Francisco, California)
and Monterey, California.)

Application No. 50831
(Filed January 20, 1969)

Sanford B. Weiss and Charles Kairys,
for applicant.
Lloyd M. Humphrey, for the Commission
staff.

O P I N I O N

The application of Sanford B. Weiss, doing business under the fictitious name of The Park Lane, requests a certificate of public convenience and necessity under Section 1031 et seq., of the Public Utilities Code for the transportation of passengers between San Francisco and The Park Lane at Monterey, California.

Public hearing was held before Examiner Porter at Monterey on April 1, 1969. There was no protest to the application.

The primary purpose for seeking a certificate to transport passengers from Monterey to San Francisco is to assist elderly persons who are interested in residing at The Park Lane, a retirement project located in Monterey. The most valuable time period during which this service may be provided is the "rent-up" period and it is anticipated that this rent-up period will end within a two year period.

Sanford B. Weiss, applicant, and also the developer of The Park Lane, has personally guaranteed to cover any and all losses incurred as a result of this operation to assure continued passenger stage service during this two-year period.

Based upon the evidence, the allegations and exhibits in the verified application, the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order.

The Commission concludes that the application should be granted.

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 Sanford B. Weiss 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 more 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-C.
- (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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of MAY, 1969.

William J. Lyons, Jr.
President

August

Ed P. Mansueti

Commissioners

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APPENDIX A

SANFORD B. WEISS
dba
THE PARK LANE

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operation rights, restrictions,
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. 75686,
dated May 20, 1969, of the Public
Utilities Commission of the State of California, on
Application No. 50831.

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APPENDIX A

SANFORD B. WEISS
dba
THE PARK LANE

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Section 1. General Authorizations, Restrictions, Limitations and Specifications

Sanford B. Weiss, dba The Park Lane, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers on passenger-carrying vehicles between the Canterbury Hotel, 750 Sutter Street, San Francisco, on the one hand, and The Park Lane, 200 Glenwood Circle, Monterey, on the other hand, over the routes hereinafter described subject to the following conditions and restrictions:

1. All service herein authorized shall be limited to those persons who have expressed a bona fide interest to become residents of The Park Lane, or those who are residents of The Park Lane.
2. All service herein authorized shall be limited to the transportation of round-trip passengers only.
3. Intermediate stops en route shall be made on a prior reservation basis only.

Issued by California Public Utilities Commission.

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Section 2. Route Descriptions

Northbound - Commencing at The Park Lane, 200 Glenwood Circle, Monterey, thence via Monterey city streets and State Highway No. 1 to Santa Cruz, thence via State Highway No. 17 to U. S. Highway 101 (San Jose), thence via U. S. Highway 101 (Bayshore Freeway) to San Francisco, thence via 7th Street exit, thence via San Francisco city streets to 750 Sutter Street, the Canterbury Hotel.

Southbound - Commencing at the Canterbury Hotel, 750 Sutter Street, San Francisco, thence via San Francisco city streets and U. S. Highway 101 (Bayshore Freeway) to State Highway 17 (San Jose), thence via State Highway 17 to Santa Cruz, thence via State Highway 1 to Monterey, thence via Monterey city streets to 200 Glenwood Circle, The Park Lane.

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