

Decision No. 76315

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of KENNETH HENRICKSEN for a cer-)
tificate of public convenience)
and necessity to operate passen-)
ger stage service between the)
Cities of Windsor, Santa Rosa,)
Sebastopol, Boyes Springs and)
Sonoma on the one hand, and the)
Mare Island Naval Shipyard, on)
the other hand.)

Application No. 51170
(Filed June 17, 1969)

O P I N I O N

Kenneth Henricksen requests a certificate of public convenience and necessity authorizing the transportation of passengers as a passenger stage corporation between Windsor, Santa Rosa, Sebastopol, Boyes Springs, Sonoma, Cotati, Kenwood and Glen Ellen, on the one hand, and Mare Island Naval Shipyard, on the other hand.

Applicant owns and operates five 41-passenger buses. Applicant proposes to operate round trip daily schedules five days a week. Round trip fares are \$2.00 to \$2.50 and weekly commute fares cost from \$6.00 to \$8.50, depending on the point of origin.

It is alleged that the proposed service is designed to transport employees of Mare Island to and from work; that there is no existing service¹ and, if authorized, the proposed service will

¹ At the time of filing for this application there were no other carriers with certificates of public convenience and necessity providing the proposed service; subsequently, the following have been authorized:

Walter Henricksen, by Decision No. 75945, dated July 22, 1969, effective August 11, 1969, in Application No. 51145 filed June 9, 1969, to serve points including Windsor, Santa Rosa and Cotati, on the one hand, and Mare Island Naval Shipyard, on the other hand.

George F. Hellen, by Decision No. 76129, dated September 3, 1969, effective September 23, 1969, in Application No. 51275 filed July 29, 1969, to serve points including Boyes Springs and Sonoma, on the one hand, and Mare Island Naval Shipyard, on the other hand.

reduce traffic congestion and minimize the parking problem at Mare Island. This application was listed on the Commission's Daily Calendar of June 10, 1969. No objections to granting the requested authority have been made known to the Commission.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

Kenneth Henricksen 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 Kenneth Henricksen, 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-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 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 twenty days after the date hereof.

Dated at Los Angeles, California, this 21st day of OCTOBER, 1969.

William S. ...
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 Commissioners

Kenneth Henricksen, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between the Cities of Santa Rosa, Sebastopol, Sonoma and Cotati, and the Communities of Windsor, Boyes Springs, Kenwood and Glen Ellen, on the one hand, and the Mare Island Naval Shipyard, on the other hand, over the most suitable public roads and highways subject to the following provisions:

1. Only passengers destined to or originating at the Mare Island Naval Shipyard shall be transported.
2. Service will be operated only at times necessary to meet employee shift needs on regular working days.

Issued by California Public Utilities Commission.

Decision No. 76315, Application No. 51170.