

Decision No. 76377

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MILLARD E. DIVINE and WALTER L.)
 ENTLER, Co-Partners doing business)
 as CHICO TRANSIT LINES to sell, and)
 ROY STANTON to purchase, the operative)
 rights and equipment of the CHICO)
 TRANSIT LINES now operating within the)
 City of Chico, California, and between)
 Chico, Paradise, and Oroville,)
 California.)

Application No. 51373
(Filed September 17, 1969)

O P I N I O N

Millard E. Divine and Walter L. Entler, co-partners, doing business as Chico Transit Lines, request authority to sell and transfer and Roy Stanton requests authority to purchase and acquire operative rights authorizing operations as a passenger stage corporation and a charter-party carrier as well as certain property.

The passenger stage certificate was granted by Decision No. 71884 dated January 24, 1967 in Applications Nos. 48822 and 48686 and authorizes operations within the City of Chico and vicinity and between Chico, Paradise, Oroville and intermediate points. The Class A charter-party certificate was authorized by Commission Resolution No. 16224. The property consists of six passenger buses, miscellaneous spare parts and equipment. The agreed cash consideration is \$6,000. As of December 31, 1968 applicant buyer indicated a net worth in the amount of \$31,834. Transfer of the charter-party certificate has been requested separately and will be so handled.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

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The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

Roy Stanton 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. On or before August 1, 1970, Millard E. Divine and Walter L. Entler may sell and transfer, and Roy Stanton may purchase and acquire, the passenger stage corporation operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.
3. Purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or

established, as its own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Roy Stanton, 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.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 71884, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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.

8. In providing service pursuant to the certificate herein granted, purchaser 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.

Purchaser 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 4th day of NOVEMBER, 1969.

William J. ...
President
...
...
Vernon L. Sturgeon
Commissioners

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS

Roy Stanton, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to:

- (a) Transport passengers between points and places within the City of Chico and vicinity.
- (b) Transport passengers, baggage and express not in excess of 100 pounds, on passenger carrying vehicles between Chico, Paradise and Oroville and intermediate points.

Operations shall be conducted over and along the routes hereinafter described subject to the following conditions:

- (1) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (2) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.

SECTION 2. ROUTE DESCRIPTIONS

Chico Local Routes:

ROUTE #1 - "A" LINE

Commencing at the intersection of Main and East Fourth Streets, north on Main to Esplanade, north on Esplanade to East Third Ave., east on East Third Ave. to Mangrove Ave., south on Mangrove Ave. to East First Ave., east on East First Ave. to Arbutus Ave., south on Arbutus Ave. to Filbert Ave., east

Issued by California Public Utilities Commission.

Decision No. 76377, Application No. 51373.

on Filbert Ave., to Madrone Street, north on Madrone Street to Hawthorne Ave., west on Hawthorne Ave. to Verbena Lane, north on Verbena Lane to East First Ave., west on East First Ave. to Dow Ave., north on Dow Ave. to Lindo Ave., west on Lindo Ave. to Sherman Ave., south on Sherman Ave. to East Seventh Ave., west on East Seventh Ave. to Palm Ave., north on Palm Ave. to East Eighth Ave., west on East Eighth Ave. crossing Esplanade to Arcadian Ave., south on Arcadian Ave. to West Sixth Ave., west on West Sixth Ave. to Warner Street, south on Warner Street to West Second Ave., east on West Second Ave. to Esplanade, south on Esplanade to Broadway (via Shasta Road), south on Broadway to West Fifth Street.

ROUTE #2 - "B" LINE

Commencing at West Fifth Street and Broadway, south on Broadway to West Eighth Street and Oroville Ave., south on Oroville Ave. to West Eleventh Street, west on West Eleventh Street to Normal Ave., south on Normal Ave. to West Twentieth Street, east on West Twentieth Street across Park Ave. to Mulberry Street, north on Mulberry Street to East Fifteenth Street, east on East Fifteenth Street via Boucher Street to Cleveland Ave., east on Cleveland Ave. to Fetter Street, north on Fetter Street to Virginia Street, west on Virginia Street to Bruce Street, north on Bruce Street to Bartlett Street, north on Bartlett Street to East Eighth Street, west on East Eighth Street to Main Street, north on Main Street to East Fourth Street.

SPECIAL SCHOOL SERVICE AREA

Between St. John the Baptist Parochial School, on the one hand, and points on and along Routes Nos. 1 and 2, on the other hand.

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Decision No. 76377, Application No. 51373.

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Appendix A

Roy Stanton
dba
CHICO TRANSIT LINES

Original Page 3

Chico-Paradise-Oroville

Commencing at the Greyhound Depot, in the City of Chico, thence via Wall Street, West Seventh Street, Main Street, East Third Street, Broadway, Ninth Street, U. S. Highway 99E, Skyway, Pearson Road and Clark Road to the Paradise Depot; thence via Clark Road, California Highway 70, Oro Dam Boulevard, Myers Street and Mitchell Avenue to the Greyhound Depot in the City of Oroville. Also, authority is granted to deviate from the regular route in Paradise to serve the Adventist School on Pearson Road and the Catholic School on Elliot Road.

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