

ORIGINAL

Decision No. 76671

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Gregory Paul Ziebarth for certificate
 of public convenience and necessity
 to operate passenger and property
 service between the town of Mammoth
 Lakes, and the Mammoth Mtn. Ski Lift.

Application No. 51491
 (Filed November 14, 1969)

O P I N I O N

Gregory Paul Ziebarth requests authority to operate a passenger stage service between the town of Mammoth Lakes and the Mammoth Mountain Ski Lifts.

The proposed service would transport skiers between the town of Mammoth Lakes and the ski lifts located on Mammoth Mountain, a distance of approximately five miles. The proposed one-way fare is \$1.00 for adults and 75 cents for children under 12 years of age. Applicant proposes to use a 1965 Chevrolet van type truck with a permanent seating capacity for 28 passengers. As of November 12, 1969, applicant indicated a net worth in the amount of \$11,943.

It is alleged that at the present time there is no public transportation between the proposed points to accommodate the ever increasing number of skiers and that the proposed service would help to minimize the parking problems in the limited lift areas.

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

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 Gregory Paul Ziebarth 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 two days after the effective date of this order on not less than two 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 its 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 the date hereof.

Dated at San Francisco, California, this 13th
day of JANUARY, 1970.

William J. Quinn
President
Augustine
J. P. Moran

Hermon L. Stinson
Commissioners

Commissioner Thomas Moran, being
necessarily absent, did not participate
in the disposition of this proceeding.

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. 76671, dated January 13, 1970, of the Public Utilities Commission of the State of California, on Application No. 51491.

Section 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS

Gregory Paul Ziebarth, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and ski equipment between the town of Mammoth Lakes and the Mammoth Mountain Ski Lift and intermediate points over the route hereinafter described, subject to the following conditions and restrictions:

- (a) 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.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Scheduled service shall be operated daily when the Mammoth Mountain Ski Lift is in operation.

Section 2. ROUTE DESCRIPTION

Commencing in the town of Mammoth Lakes, thence along State Highway No. 203 and Minaret Summit Road to the Mammoth Mountain Ski Lift.

Issued by California Public Utilities Commission.

Decision No. 76671, Application No. 51491.