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Decision No. 76672

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Richard L. Cain and Mary E. Cain
for certificate of public convenience
and necessity to operate Passengers,
Baggage and Express Service between
Bishop and Mammoth and June Lake.

)
) Application No. 51539
) (Filed December 5, 1969)
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O P I N I O N

Richard L. Cain and Mary E. Cain, doing business as Mammoth Stage Lines, request authority to operate a passenger stage service for the transportation of passengers, their baggage and shipments of express between Bishop, the Mammoth Lakes area, the June Lake area, and intermediate points.

Service would be provided to such points as Bishop, the Bishop Airport, North Bishop, Crowley Lake Lodge, Mammoth Airport, Mammoth Village, Mammoth Center, Mammoth Mountain Inn, Mammoth Ski Lift, June Lake Village, and June Mountain Ski Lift. No passengers or property would be transported when both origin and destination are at any two of the following points: Bishop, Rock Creek, Mammoth Lakes Junction (U.S. Highway 395 and California State Highway 203), Crestview, and June Lake Junction (U.S. Highway 395 and California State Highways 120 and 158).

The operation would be conducted through the use of four 12 passenger Ford buses. The proposed passenger fares are calculated on the basis of 6 cents a mile and range from a minimum of 50 cents for a one-way trip between Bishop and the Bishop Airport to \$7.50 for a round trip between the Bishop Airport and the June Mountain Ski Lift. As of November 30, 1969, applicants indicated a net worth in the amount of \$37,405.

It is alleged that Mammoth Mountain, June Lake and Crowley Lake have long been known as one of the most beautiful recreation areas in the United States; approximately four million people visit the area annually; during the winter season thousands of visitors find lodging accommodations at Mammoth Village and as far away as Bishop; the proposed service is designed to meet the transportation needs of visitors arriving by air and those who are lodging away from the ski lift areas and are without private means of transportation; and the proposed service would also accommodate many visitors during the summer season.

Copies of the application were served upon Western Greyhound Lines, Inc., Cal-Aero Airways, California Sierra, Western Gillette, Lone Pine Motor Tours, and the County of Inyo and the County of Mono. No protest has been received.

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

Richard L. Cain and Mary E. Cain are 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 Richard L. Cain and Mary E. Cain, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for the transportation of passengers, baggage and express 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, applicants 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, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they 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, applicants 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) Applicants shall maintain their 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 their 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 Lyons Jr.
President

Augustine
B. Williams

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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

Appendix A

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RICHARD L. CAIN AND MARY E. CAIN

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MAMMOTH STAGE LINES

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. 76672
dated JANUARY 13, 1970, of the Public Utilities Commission
of the State of California, on Application No. 51539.

RICHARD L. CAIN AND MARY E. CAIN

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MAMMOTH STAGE LINES

Section 1. General Authorizations, Restrictions, Limitations,
and Specifications.

Richard L. Cain and Mary E. Cain, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers, their baggage and shipments of express between Bishop, the Mammoth Lakes area, the June Lake area, and intermediate points over the routes hereinafter described, subject to the following conditions and restrictions:

- (a). Motor vehicles may be turned at termini or at intermediate points, in either direction.
- (b). When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c). Service shall be operated on a regular year-round scheduled basis, except as noted for Silver Lake and Grant Lake.
- (d). No passengers or property will be transported when both origin and destination are at any two of the following points: Bishop, Rock Creek, Mammoth Lakes Junction (U.S. Highway 395 and California State Highway 203), Crestview, and June Lake Junction (U.S. Highway 395 and California State Highways 120 and 158).

MAMMOTH STAGE LINES

Section 2. Route DescriptionsROUTES

1. Commencing at the Bishop Airport and along appropriate streets in the City of Bishop to U. S. Highway 395; thence along U. S. Highway 395 to Crowley Lake Lodge; thence continuing on U. S. Highway 395 to Mammoth Airport; thence along U. S. Highway 395 to Mammoth Lakes Junction; thence westerly along Mammoth Lakes Road to Mammoth Village area, Mammoth Ski Lifts and Mammoth Mountain Inn.
2. Commencing at the Bishop Airport and along appropriate streets in the City of Bishop to U. S. Highway 395; thence along U. S. Highway 395 to Crowley Lake Lodge; thence to Mammoth Airport, to Mammoth Lakes Junction and continuing along U. S. Highway 395 to June Lake Junction and on June Lake Road to June Lake Village and June Lake Ski Lifts and on to Silver Lake and Grant Lake in summer season only.

Issued by California Public Utilities Commission.

Decision No. 76672, Application No. 51539.