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Decision No. 76773

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of PENINSULA TRANSIT LINES, INC.,
a California corporation, to
authorize transfer of certificate
of public convenience and necessity
from JOHN P. DEMETER, dba Peninsula
Transit Lines and for authority to
issue stock.

Application No. 51545
(Filed December 11, 1969)

O P I N I O N

John P. Demeter, an individual, doing business as Peninsula Transit Lines, requests authority to transfer and Peninsula Transit Lines, Inc., requests authority to acquire certain passenger stage operating authority and assets. In addition thereto Peninsula Transit Lines, Inc., requests authority to issue 72,000 shares of its \$1 par value stock.

The operating authority was granted by Decision No. 76168 dated September 10, 1969, in Application No. 51180 and authorizes the transportation of passengers between various points on the San Francisco Peninsula.

Peninsula Transit Lines, Inc., was incorporated on November 18, 1969. John P. Demeter is president of said corporation and if the authority herein requested is granted will be its sole stockholder. A value of \$72,000 is placed upon the operating authority and assets.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the

purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expense or to income. A public hearing is not necessary.

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

Peninsula Transit Lines, Inc., 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 July 1, 1970, John P. Demeter may sell and transfer, and Peninsula Transit Lines, Inc., may purchase and acquire, the 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. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate. Purchaser is placed on notice that, if it accepts such certificate, it 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.

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6. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Peninsula Transit Lines, Inc., authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

7. The certificate of public convenience and necessity granted in paragraph 6 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 76168, which certificate is revoked effective concurrently with the effective date of the tariff filings required in paragraph 3 hereof.

8. Purchaser shall maintain its 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.

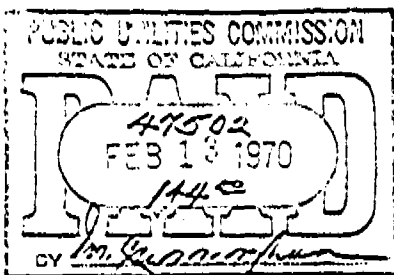
9. On or before July 1, 1970, Peninsula Transit Lines, Inc., may issue not to exceed \$72,000 par value of its capital stock for the purpose heretofore specified.

10. Applicant shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

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11. The authority herein granted to issue stock will become effective when Peninsula Transit Lines, Inc. has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$144. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of FEBRUARY, 1970.



William Symons Jr.
President
Augusta
Robert [unclear]
[unclear]
Vernon L. Stinson
Commissioners

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Appendix A

PENINSULA TRANSIT LINES, INC.

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Peninsula Transit Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers by motor vehicles between and within the Cities of Palo Alto and Menlo Park and surrounding area over the routes hereinafter described.

ROUTE NO. 1: Beginning at the Palo Alto Southern Pacific Depot and thence along University Avenue, Waverly Street, Oregon Avenue, Page Mill Road, Birch Street, California Avenue, Hanover Street, Hillview Street, and Junipero Serra Boulevard to the Palo Alto Veterans Hospital, then return via Junipero Serra Boulevard, Page Mill Road, Hanover Street, Stanford Avenue, Yale Street, California Avenue, Park Boulevard, Oregon Avenue, Waverly Street and University Avenue to the Palo Alto Southern Pacific Depot.

ROUTE NO. 2: Beginning at the Palo Alto Southern Pacific Depot and thence along El Camino Real, Stanford Shopping Center, Quarry Road, Welch Road, and Pasteur Drive to the Palo Alto-Stanford Hospital, thence via Pasteur Drive, Campus Drive and Serra Street to Lasuen Street, and returning via the same route to point of beginning.

ROUTE NO. 3: Beginning at the Palo Alto Southern Pacific Depot and thence along University Avenue, Middlefield Road, Melville Avenue, Channing Avenue, Lincoln Avenue, University Avenue, Bayshore Boulevard, Menalto Avenue, Mello Street, Newbridge Street, Willow Road, Ivy Drive, Hollyburne Avenue, Newbridge Street, Mello Street, Bay Road, Clarke Avenue, Beach Street, Pulgas Avenue, Bayshore Boulevard, Clarke Avenue, Donohoe Street, University Avenue, Lincoln Avenue, Channing Avenue, Melville Avenue, Middlefield Road, University Avenue to the Palo Alto Southern Pacific Depot.

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Appendix A

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ROUTE NO. 4: Beginning at the Palo Alto Southern Pacific Depot and thence along University Avenue, Chaucer Street, Pope Street, Central Avenue, Gilbert Avenue, Willow Road, Bay Road, Ringwood Road, Middlefield Road, and University Avenue to the Palo Alto Southern Pacific Depot. Also an alternate route beginning at the Palo Alto Southern Pacific Depot and thence along University Avenue, Chaucer Street, Pope Street, Central Avenue, Gilbert Avenue and Willow Road to the Menlo Park Veterans Hospital and then return from the Menlo Park Veterans Hospital along Willow Road, Middlefield Road and University Avenue to the Palo Alto Southern Pacific Depot.

ROUTE NO. 6: Beginning at the Palo Alto Southern Pacific Depot and thence along University Avenue, Waverley Street, Embarcadero Road, Newell Road, Channing Avenue, Greer Road, Embarcadero Road, Louis Road, East Charleston Road, Fabian Way, San Antonio Road, MacKay Drive, Shasta Drive, Nelson Drive, East Charleston Road, Middlefield Road, East Meadow Drive, Waverley Street, Marion Avenue, Cowper Street, Colorado Avenue, Louis Road, Embarcadero Road, Greer Road, Channing Avenue, Newell Road, Embarcadero Road, Greer Road, Channing Avenue, Newell Road, Embarcadero Road, Waverley Street and University Avenue, to the Palo Alto Southern Pacific Depot.

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