

ORIGINAL

Decision No. 76779

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of DANIEL N. TANNER and GARY L.
 TANNER, doing business as TANNERS
 TROLLEY, a partnership, for a
 Certificate of Public Convenience
 and Necessity to operate Passenger
 Stage Service between certain
 points in the City of Nevada City,
 California, and certain points in
 the City of Grass Valley, California,
 serving intermediate points located
 in Nevada County, California.

Application No. 51574
 (Filed December 23, 1969)

O P I N I O N

This is an application by Daniel N. Tanner and Gary L. Tanner, co-partners, doing business under the name of Tanners Trolley, in which applicants seek authority to operate as a passenger stage corporation between Nevada City and Grass Valley.

The verified application avers that there presently is no adequate transportation service between Nevada City and Grass Valley; that there is located between the two cities a hospital and large medical complex for which there is no public transportation and that, if the application is granted, applicants would provide service to the public in these areas. Applicants propose to conduct daily operations, initially utilizing a 9-passenger station wagon. Applicants have net assets of approximately \$20,000. Copies of the application were served on Greyhound Lines, Inc., the city clerks of Nevada City and Grass Valley and the Nevada County Clerk. No protests against the application have been received. The Commission makes the following findings and conclusion:

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicants possess the equipment, personnel and financial resources to institute and maintain the proposed service.
3. Public convenience and necessity require that the application be granted as set forth in the ensuing order.

Conclusion of Law

The application should be granted as hereinafter set forth.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Daniel N. Tanner and Gary L. Tanner authorizing them 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 by this reference 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 five days after the effective date of this order on not less than five 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 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.

3. Applicants 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.

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The effective date of this order shall be the date
hereof.

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

William J. Lyons
President

Richard

J. B. Johnson

James L. Sturgeon

Yerron L. Sturgeon
Commissioners

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Appendix A

DANIEL N. TANNER AND GARY L. TANNER
dba
TANNERS TROLLEY

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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. **76779**
dated FEBRUARY 13, 1970, of the Public Utilities
Commission of the State of California, on Application No. 51574.

Appendix A

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Daniel N. Tanner and Gary L. Tanner, a partnership, by certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to operate a passenger stage service for the transportation of passengers between Nevada City, on the one hand, and Grass Valley, on the other, and intermediate points over the route hereinafter described, subject to the following conditions and restrictions:

- Issued by California Public Utilities Commission.

Decision No. 76779, Application No. 51574.

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Appendix A

DANIEL N. TANNER AND GARY L. TANNER
dba
TANNERS TROLLEY

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Section 2 Route Description

Commencing at the intersection of Pine Street and Broad Street in the City of Nevada City; thence continuing along Broad Street to Sacramento Street, thence along Sacramento Street to Zion Street (State Highways Nos. 20 and 49); thence along Zion Street and State Highways Nos. 20 and 49 (also known as Nevada City Highway) to Dorsey Drive; thence along Dorsey Drive to Catherine Lane to Presley Way; thence along Presley Way to State Highways Nos. 20 and 49; thence along State Highways Nos. 20 and 49 and East Main Street onto West Main Street; thence continuing on West Main Street to Mill Street; thence along Mill Street to Empire Street in the City of Grass Valley.

Issued by California Public Utilities Commission.

Decision No. 76779, Application No. 51574.