

ORIGINAL

Decision No. 77458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

LAS VEGAS-TONAPAH-RENO STAGE LINE,
INC., a corporation, to purchase,
and of ALFRED L. RIDDLE, an individ-
ual doing business as RIDDLE SCENIC
TOURS, to sell, a certificate of pub-
lic convenience and necessity auth-
orizing passenger stage service for
the transportation of passengers be-
tween Los Angeles, Barstow, Baker,
Death Valley Junction, Mojave, Lone
Pine, Olancho and Ryan, on the one
hand, and, the Death Valley National
Monument, pursuant to Sections 851-
853 of the California Public Utili-
ties Code.

Application No. 51850
(Filed April 28, 1970)

O P I N I O N

Las Vegas-Tonapah-Reno Stage Line, Inc., a Nevada corporation (hereinafter referred to as LVTR Stage), requests authority to purchase and acquire and Alfred L. Riddle (hereinafter referred to as Riddle) requests authority to sell and transfer the passenger stage operating rights of Riddle, together with all goodwill, motor vehicle equipment and office equipment.

The certificate to be transferred was acquired by Riddle by Decision No. 73184 dated October 10, 1967 in Application No. 49567. The certificate authorized a passenger stage service between Los Angeles, Barstow, Baker, Death Valley Junction, Mojave, Olancho, Lone Pine and Ryan, on the one hand, and Death Valley National Monument, on the other hand, along the routes and subject to the conditions and restrictions described therein.

A. 51850 hjh * *

A copy of the articles of incorporation of the purchaser are on file with the Commission attached to Application No. 42675. The purchaser LVTR Stage operates a passenger stage motor bus service intrastate in Nevada, and interstate in Nevada, Arizona and California, and also provides intrastate service in the Lake Tahoe area of California, authorized by Decision No. 61922 in Application No. 42675 and amended by Decision No. 63889 in Application No. 44332. Purchaser also holds a Class A Charter-party Carrier Certificate issued to it in File No. T.C.P. 107-A.

The parties executed an agreement of sale dated April 13, 1970, a copy of which is attached to the application as Exhibit A. It provides a purchase price of \$15,000 cash, of which \$11,500 is for the intangible assets and \$3,500 is for motor vehicles consisting of two seven-passenger limousines, and office equipment which is to be free and clear of all liens and encumbrances.

A profit and loss statement of purchaser LVTR Stage for 1969 is attached to the application as Exhibit C and describes assets of \$2,655,788. Exhibit D, a schedule of equipment of purchaser, lists 42 buses with seating capacity of 1,657, all of which are equipped with radio and public address systems. Five buses are equipped with lavatory compartments.

The seller, Riddle, provides service pursuant to the fares and charges named in Alfred L. Riddle, doing business as Riddle Scenic Tours, Local Passenger Tariff No. 1-A, Cal. P.U.C. No. 3. Riddle is not a party to any joint through rate tariff. LVTR Stage proposes to adopt the tariff of Riddle.

It appears from the application and exhibits that purchaser LVTR Stage possesses the experience, equipment, personnel and financial resources to institute, maintain and operate the service to be transferred and authorized herein and that LVTR Stage, a Nevada corporation, is qualified to operate an intrastate passenger stage business within the State of California.

The application has been listed on the Commission's Daily Calendar of April 29, 1970 and applicant alleges there are no competing carriers in the area. The Commission passenger engineering section has advised that it has analyzed the application and discussed it with interested parties. No protest has been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and should be authorized. The application for transfer of the operative rights for transportation of passengers, their baggage, and express and over the routes described in Decision No. 73184 and appendix attached thereto will be granted. It is deemed advisable to restate the purchaser's certificate in order to clarify its operating authority. Accordingly, a new certificate will be

issued which will include all of the purchaser's present authority in California, and the new authority herein authorized for intrastate service. A public hearing is not necessary.

The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Alfred L. Riddle and the issuance of a new certificate in appendix form to Las Vegas-Tonapah-Reno Stage Line, Inc.

Las Vegas-Tonapah-Reno Stage Line, 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 October 1, 1970 Alfred L. Riddle may sell and transfer, and Las Vegas-Tonapah-Reno Stage Line, 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Las Vegas-Tonapah-Reno Stage Line, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in Sections 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A, Original Page 1, 2, 3, and 4 attached hereto and made a part hereof.

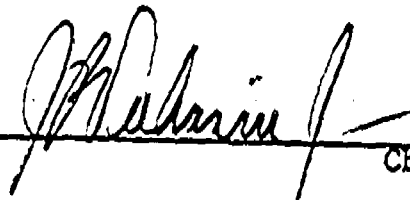
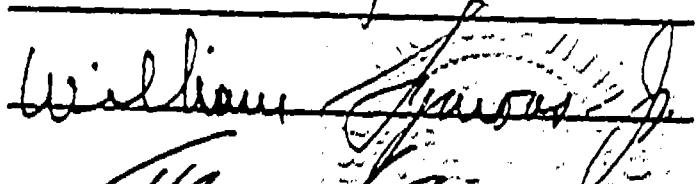

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 73184 to Alfred L. Riddle and the certificate of public convenience and necessity granted by Decisions Nos. 61922 and 63889 to Las Vegas-Tonapah-Reno Stage Line, Inc., and such certificates are hereby 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 it accepts the certificate of public convenience and necessity herein granted, 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.

8. Applicant 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 7th
day of JULY, 1970.

 Chairman


Commissioners

Commissioner A. W. Gatev, being necessarily absent, did not participate in the disposition of this proceeding.

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

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Appendix A

LAS VEGAS-TONAPAH-RENO
STAGE LINE, INC.

Original Page 1

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. 77458 dated
JULY 7, 1970, of the Public Utilities
Commission of the State of California, on Application
No. 51850.

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

The certificate hereinafter noted supersedes all operating authority heretofore granted to Alfred L. Riddle, doing business as Riddle Scenic Tours and all authority heretofore granted to Las Vegas-Tonapah-Reno Stage Line, Inc.

Las Vegas-Tonapah-Reno Stage Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct a passenger stage service for the transportation of passengers and their baggage between Los Angeles, Barstow, Baker, Death Valley Junction, Mojave, Olancho, Trona, Lone Pine and Ryan, on the one hand, and the Death Valley National Monument, on the other hand; between Tahoe City and the California-Nevada State Line; and between Tahoe City and Truckee, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersection 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) Specific points of pick up and discharge shall be named in applicant's tariff. This restriction shall not prevent stopovers for the purpose of permitting sight-seeing passengers to visit various points of interest along the route.
- (d) Regular service to and from Death Valley National Monument shall be provided during the period from November 1 to April 30 of the following year.
- (e) Applicant shall not be obligated to perform service for fewer than four adult passengers to or from Death Valley National Monument.
- (f) The conditions under which "on call" service is to be rendered shall be shown in applicant's tariff and timetable.
- (g) Shipments of express shall be allowed on the Tahoe City routes in passenger carrying vehicles only.

Issued by California Public Utilities Commission.

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SECTION 2. ROUTE DESCRIPTIONS

Route 1 - Los Angeles - Death Valley National Monument
via Barstow

Commencing at applicant's terminus in the City of Los Angeles, thence along Interstate Highway No. 10 and Interstate Highway No. 15 to Barstow, thence Interstate Highway No. 15 to Baker, thence State Highway No. 127 to Death Valley Junction, thence State Highway No. 190 to Furnace Creek in Death Valley National Monument.

Also, from State Highway No. 190 along unnamed road to serve a point known as Ryan.

Route 2 - Los Angeles - Death Valley National Monument
via Mojave

Commencing at applicant's terminus in the City of Los Angeles, thence along Interstate Highway No. 5 and State Highway No. 14 to Mojave, thence State Highway No. 14, and U. S. Highway No. 395 to Olancho, thence U. S. Highway No. 395 to Lone Pine, thence State Highway Legislative Route No. 136, and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

Alternate Route

Along State Highway No. 190 between Olancho and Furnace Creek.

Route 3 - Los Angeles - Death Valley National Monument
via Trona

Commencing at the applicant's terminus in Los Angeles, thence along Interstate Highway No. 10, Interstate Highway No. 15, U. S. Highway No. 395, Trona Road and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

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Appendix A

LAS VEGAS-TONAPAH-RENO
STAGE LINE, INC.

Original Page 4

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 4

Commencing at Tahoe City, thence along California State Highway 28 serving Lake Forest, Carnelian Bay, Tahoe Vista, and Kings Beach to the California-Nevada State Line.

Route 5

Commencing at Tahoe City, thence along California State Highway 89 and U. S. Highway 40 to and including Truckee serving all intermediate points including Squaw Valley as an off-route point.

NOTE: Routes 1, 2 and 3 were authorized in Decision No. 73184 and Routes 4 and 5 were authorized in Decision No. 63889, and reproduced herein without change.

Issued by California Public Utilities Commission.

Decision No. 77458, Application No. 51850.