

Decision No. 78203

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Richard L. Cain and  
Mary E. Cain, Partners doing business  
as Mammoth Stage Lines for (1) transfer  
of its existing passenger stage authority  
to Mammoth Stage Lines, a corporation.

Application No. 52369  
(Filed December 23, 1970)

O P I N I O N

Richard L. Cain and Mary E. Cain, doing business as Mammoth Stage Lines, request authority to transfer a certificate of public convenience and necessity authorizing operations as a passenger stage corporation to Mammoth Stage Lines, a newly formed corporation.

The certificate was granted by Decision No. 76672, dated January 13, 1970, in Application No. 51539 and authorizes the transportation of passengers between Bishop, the Mammoth Lakes area and the June Lake area and intermediate points.

It is alleged that the transfer will produce no change in the present operations and if authorized will assure continued operations in the event of the death of one of the partners.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. 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 Richard L. Cain and Mary E. Cain and the issuance of a certificate in appendix form to Mammoth Stage Lines.

Mammoth Stage Lines 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 September 1, 1971, Richard L. Cain and Mary E. Cain may sell and transfer, and Mammoth Stage Lines may purchase and acquire, the operative rights 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 one day after the effective date of this order on not less than one day's 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 sellers 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 Mammoth Stage Lines, a corporation, authorizing it 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.

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. 76672, which certificate is 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. 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.

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

Dated at San Francisco, California, this 19<sup>th</sup> day of JANUARY, 1971.

Chairman

William J. ...  
[Signature]  
Thomas L. Sturgeon

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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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.

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78203

Issued under authority of Decision No. \_\_\_\_\_  
dated JAN 19 1971, of the Public Utilities Commission  
of the State of California, on Application No. 52369.

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

Mammoth Stage Lines, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is 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).

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Section 2.      Route Descriptions.ROUTES

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.

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