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Decision No. 78320

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EDWARD VANDERDOES, GEORGE ISHIBASHI and GEORGE KOGA, doing business as INTERNATIONAL LIMOUSINE SERVICE CO., a partnership, to sell, and MARK IV CHARTER LINES, INC., a California corporation, for authority to purchase a certificate of public convenience and necessity and the assets of said partnership and for authority to issue stock.

Application No. 52275
(Filed October 30, 1970)

O P I N I O N

By their application as amended, Edward Vanderdoes, George Ishibashi and George Koga, doing business as International Limousine Service Co., request authority to sell and transfer, and Mark IV Charter Lines, Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a passenger stage corporation and a Cadillac limousine as well as tires, parts and inventory related to said operation. Applicant purchaser also requests authority to issue 30 shares of its no par common stock at \$100 per share.

The certificate was granted by Decision No. 75953 in Application No. 50844 and authorizes the operation of a passenger stage service by limousine-type vehicles not exceeding seven passenger capacity exclusive of driver, for passengers originating at or destined to the Monterey Club or the Rainbow Club in the City of Gardena, on the one hand, and certain described areas of Los Angeles, West Los Angeles and Hollywood, on the other hand. The cash consideration is \$9,000. The principal officer of applicant purchaser has been actively engaged in the passenger stage business since 1946.

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 purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. 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 applicant sellers and the issuance of a certificate in appendix form to applicant purchaser.

Mark IV Charter 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.

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

O R D E R

IT IS ORDERED that:

1. On or before August 1, 1971, and upon the filing by applicant sellers of their 1969 annual report, Edward Vanderdoes, George Ishibashi and George Koga may sell and transfer, and Mark IV Charter Lines, Inc. may purchase and acquire, the operative rights and property referred to in the application.

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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.

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5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Mark IV Charter Lines, Inc., 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. 75953, 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 regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-C.

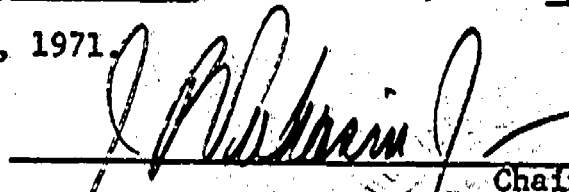
8. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. After the effective date hereof Mark IV Charter Lines, Inc., for the purposes specified in this proceeding, may issue and sell, at \$100 per share cash, not exceeding 30 shares of its no par common stock.


10. Purchaser 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.

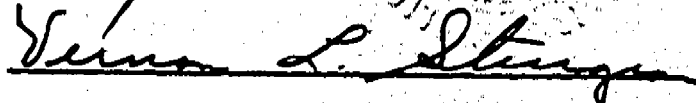
The authority herein granted to issue stock will become effective when purchaser has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of FEBRUARY, 1971.



Chairman

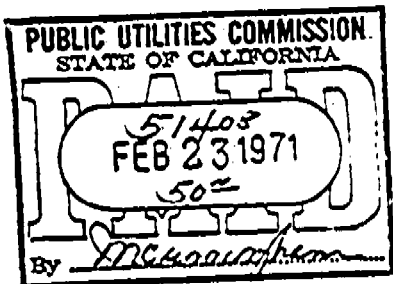




Commissioners



Commissioners



Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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. 78320, dated
FEBRUARY 17th, 1971, of the Public Utilities Commission
of the State of California, on Application No. 52275.

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

Mark IV Charter Lines, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers as follows:

1. Between the Los Angeles, Hollywood and West Los Angeles Territories, as said territories are hereinafter described, on the one hand, and the Monterey Club (13927 South Vermont Avenue, Gardena) and the Rainbow Club (13915 South Vermont Avenue, Gardena), on the other hand, over and along the most direct or appropriate route or routes.

The authority granted is subject to the following conditions and restrictions:

- (a) Service shall be limited to the transportation of passengers who originate at or are destined to the Monterey Club of the Rainbow Club.
- (b) All passengers must be picked up or discharged at points within the authorized service territories or at the Monterey Club or the Rainbow Club.
- (c) No passengers shall be transported whose origin and destination are both within the city limits of the City of Gardena.
- (d) Service shall be operated with limousine type vehicles, not exceeding 7-passenger capacity, exclusive of driver.

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Decision No. 78320, Application No. 52275.

SECTION 2. DESCRIPTION OF TERRITORIES.

The territories within which International Limousine Service Co. is authorized to pick up or discharge passengers are described and defined as follows:

LOS ANGELES TERRITORY:

Beginning at the intersection of La Cienega Boulevard and Olympic Boulevard; thence along Olympic Boulevard, Broadway, Santa Barbara, San Pedro Street, Redondo Beach Boulevard, San Diego Freeway, to its intersection with La Cienega Boulevard to the point of beginning.

HOLLYWOOD TERRITORY:

Beginning at the intersection of La Cienega Boulevard and Olympic Boulevard; thence along Olympic Boulevard, Harbor Freeway, Hollywood Freeway, Vermont Avenue, Los Feliz Boulevard, Western Avenue, Franklin Avenue, Sierra Bonita Avenue, Hollywood Boulevard, Laurel Canyon Boulevard, Sunset Boulevard, La Cienega Boulevard to the point of beginning.

WEST LOS ANGELES TERRITORY:

Beginning at the intersection of Sunset Boulevard and La Cienega Boulevard; thence along Sunset Boulevard, Barrington Avenue, McLaughlin Avenue, Venice Boulevard, Lincoln Boulevard, Sepulveda Boulevard, Century Boulevard, San Diego Freeway, to its intersection with La Cienega Boulevard to the point of beginning.

Issued by California Public Utilities Commission.

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