

ORIGINAL

Decision No. 78841

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HEROLD C. RUTHERFORD and WAYNE ROBERT
 CROSBY, copartners, doing business as
 Tahoe Transit Lines, to sell; and
 DAVID L. RITTER, an individual, to
 buy, a certificate of public conven-
 ience and necessity authorizing
 transportation of passengers between
 points on the South Shore of Lake
 Tahoe, and to issue an evidence of
 indebtedness.

Application No. 52566
 (Filed April 27, 1971;
 Amended May 25, 1971)

O P I N I O N

Herold C. Rutherford and Wayne Robert Crosby, doing business as Tahoe Transit Lines, request authority to sell and transfer, and David L. Ritter¹ requests authority to purchase and acquire, two 1951 12-passenger Ford buses and a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between Camp Richardson and State Line. David L. Ritter also requests authority to execute evidence of indebtedness in the amount of \$7,500.

The certificate was granted by Decision No. 75838, dated June 24, 1969, in Application No. 50936. The agreed consideration is \$7,500 to be secured by a promissory note payable in monthly installments of \$225 without interest. A value of \$2,150 is placed upon the buses, the certificate is valued at \$1,750 and a value of \$3,600 is placed upon good will.

¹ By an amendment filed May 24, 1971, David L. Ritter was substituted as applicant purchaser in place of Albert Bickham.

Applicant purchaser is a resident of Tahoe Valley and has had five years experience driving heavy duty trucks and as of May 1, 1961, indicated a net worth in the amount of \$39,250.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the property to be procured or paid for by the issue of indebtedness 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.

David L. Ritter 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 December 1, 1971, Herold C. Rutherford and Wayne Robert Crosby, may sell and transfer, and David L. Ritter, 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 David L. Ritter authorizing him 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. 75838, 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 he accepts the certificate of public convenience and necessity herein granted, he 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 his 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, 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.

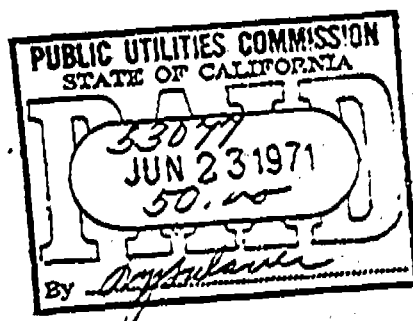
9. Purchaser is hereby authorized to execute evidence of indebtedness in the amount of \$7,500.

10. The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904(b) 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 22nd day of JUNE, 1971.

[Signature]
Chairman
[Signature]
[Signature]
Vernon L. Sturgeon
[Signature]
Commissioners



David L. Ritter, doing business as Tahoe Transit Lines, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport passengers between Camp Richardson and State Line, serving all intermediate points on, along, and within one mile laterally of the following routes:

- a. California Highway 89 between Camp Richardson and The Wye situated at the junction of said California Highway 89 and U. S. Highway 50.
- b. U. S. Highway 50 between a point two miles south of The Wye and State Line including service to the Greyhound Depot on Ski Run Boulevard and Tahoe Avenue.

Issued by California Public Utilities Commission.

Decision No. 78841, Application No. 52566.