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ORIGINAL

Decision No. 79078

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
Kopecky Corporation for certificate }
of public convenience and necessity }
to operate passenger and baggage }
service between San Diego, CA, }
Escondido, CA, and the Ontario }
Motor Speedway, Ontario, CA. }

Application No. 52539
(Filed April 9, 1971)

O P I N I O N

Applicant requests authorization to extend its present passenger stage operations so as to transport passengers and their baggage to the Ontario Motor Speedway, Ontario, California, from the Cities of San Diego and Escondido, California, and return (pursuant to Public Utilities Code, Section 1031) over routes on U.S. 395, U.S. 60, and Milliken Avenue. Applicant alleges that no public service will be performed between San Diego and Escondido.

Kopecky Corporation operates as a passenger stage corporation pursuant to the certificate of public convenience and necessity granted by Decision No. 73203 dated October 17, 1967 in Application No. 49682. Said certificate authorizes the transportation of passengers and their baggage to and from specified locations in the Cities of San Diego and San Bernardino, on the one hand, and Mammoth Mountain Recreation Area in the County of Mono, on the other hand, on weekends only, from approximately November 15 to May 15 of the following year.

Applicant proposes fares of \$6.00 one way and \$9.00 round trip, half fare for persons from 5 to 12 years of age and no charge for children under 5 years.

Applicant proposes to operate coach type GM buses, three of 47-passenger capacity each and three accommodating 39-passengers each.

Applicant filed its statement of financial position dated December 31, 1970 showing assets of \$159,152.70.

Proof of service of the application on competing carriers and on public agencies has been made and no protests are on file.

The Transportation Division staff has analyzed the application and has recommended that it be granted.

Upon consideration, the Commission finds:

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the authority requested be granted.
3. Public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicant 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. A certificate of public convenience and necessity is granted to Kopecky Corporation, a California corporation, authorizing it to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, between the points more particularly set forth in First Revised Page 2 and First Revised Page 3 of Appendix A (Decision No. 73203), attached hereto and made a part hereof.

2. Appendix A of Decision No. 73203 in Application No. 49682 is modified by incorporating therein the above-listed pages in lieu of Original Pages 2 and 3 which are hereby canceled.

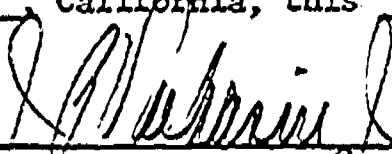
3. In providing service pursuant to the certificate herein granted, Kopecky Corporation shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

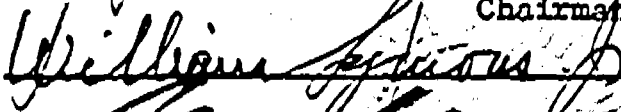
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply 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.
- (b) Within one hundred twenty days after the effective date hereof, applicant 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 the 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) 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.

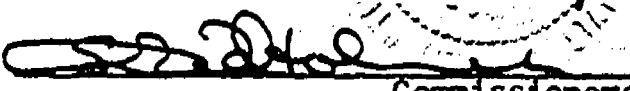
The effective date of this order shall be the date hereof.

Dated at San Francisco California, this 24th
day of AUGUST, 1971.



Chairman






Commissioners

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

#Kopecky Corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage over and along the routes hereinafter described, subject to the following provisions:

- (a) #Service to and from Mammoth Mountain shall be limited to the transportation of passengers destined to or originating at points in the Mammoth Lakes Recreation Area located on Mammoth Mountain Road commencing at approximately four miles west of Mammoth Junction and extending to the Mammoth Mountain Inn.

*Service to and from Ontario Motor Speedway shall be limited to the transportation of passengers (no baggage) destined to or originating at Ontario Motor Speedway.
- (b) When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.
- (c) Motor vehicles may be turned at termini or intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (d) #Service to and from Mammoth Mountain shall be operated on weekends only from approximately November 15 to May 15 of the following year.

*Service to and from Ontario Motor Speedway shall be operated only for sporting events held at such Speedway, and for 15 or more passengers per bus trip, should the carrier elect to observe such a minimum.

Issued by California Public Utilities Commission.

#Changed } by Decision No. 79078, Application No. 52539.
*Added }

SECTION 2. ROUTE DESCRIPTIONS

San Diego, San Bernardino - Mammoth Mountain Inn

Commencing at the San Diego Ski Chalet located at 4004 Midway Drive in the City of San Diego, thence via city streets to U.S. Highway 395, along U.S. Highway 395, thence via city streets to the Pratt Bros. Sporting Goods Store, 372 W. Highland Avenue, San Bernardino, return to U.S. Highway 395 to Mammoth Junction, thence via Mammoth Mountain Road to the Mammoth Mountain Inn.

*San Diego - Escondido - Ontario Motor Speedway

Commencing in the City of San Diego, thence via public streets, U.S. Highway 395, U.S. Highway 60 and Milliken Avenue to Ontario Motor Speedway.

Issued by California Public Utilities Commission.

*Added by Decision No. 79078, Application No. 52539.