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ORIGINAL

Decision No. 79401

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of YOSEMITE PARK AND CURRY)
CO. and JACK ARMAS and JEAN ARMAS, dba)
MARIPOSA EXPRESS for authority for the)
former to transfer operative rights to)
the latter.)
_____)

Application No. 52893
(Filed September 27, 1971)

O P I N I O N

Yosemite Park and Curry Co. requests authority to sell and transfer and Jack Armas and Jean Armas, doing business as Mariposa Express, request authority to purchase and acquire that portion of a certificate of public convenience and necessity authorizing operations as a highway common carrier between Merced and Yosemite National Park and intermediate points over and along State Highway 140.

The certificate was originally granted by Decision No. 31396, dated October 31, 1938, in Application No. 21861, and authorizes operations both as a highway common carrier and as a passenger stage corporation between various points and places. The agreement between the parties also includes the transfer of corresponding interstate authority. The agreed consideration is \$5,000 payable as follows: \$2,000 in cash and the balance to be evidenced by a promissory note payable in three annual installments with interest at the rate of 6-3/4 percent per annum. The transfer also includes certain interstate authority and is subject to Section 5 of the Interstate Commerce Act.

Applicant purchasers are presently engaged in operations as a highway common carrier for the transportation of property between Merced and Midpines, serving all intermediate points on State Highway 140 between Mariposa and Midpines. As of July 31, 1971, applicant purchasers indicated a net worth in the amount of \$34,926.

It is alleged that the proposed transfer would eliminate a duplication of operations by the two carriers between Merced and Midpines.

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 note herein authorized is reasonably required for the purposes specified herein, and such purpose is 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 certificates presently held by applicants. In place thereof new certificates in appendix form will be issued to applicants restating their operating authorities so as to reflect the transfer herein authorized. The new certificate issued to Jack Armas and Jean Armas, doing business as Mariposa Express, will not broaden or change the interstate or foreign commerce rights held by said applicants.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1972, and upon the filing with this Commission of an order of the Interstate Commerce Commission authorizing said transfer, Yosemite Park and Curry Co. may sell and transfer, and Jack Armas and Jean Armas, doing business as Mariposa Express, may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are

granted to Yosemite Park and Curry Co., and to Jack Armas and Jean Armas, doing business as Mariposa Express, authorizing them to operate as highway common carriers, as defined in Section 213 of the Public Utilities Code, and in the case of Yosemite Park and Curry Co. to also operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points as more particularly set forth in Appendices A, B and C attached hereto and by reference made a part hereof.

4. The certificates of public convenience and necessity granted in paragraph 3 of this order shall supersede the certificates of public convenience and necessity granted by Decision No. 31396, dated October 31, 1938, in Application No. 21861, as amended by Decision No. 38091, dated July 27, 1945, in Application No. 21861, and Decision No. 31418, dated November 5, 1938, in Application No. 22092, which certificates are hereby revoked.

5. Within thirty days after the transfer herein authorized is consummated, seller and purchasers shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and insurance requirements of the Commission's General Orders Nos. 100-E and 101-C.

6. Applicants shall amend their tariffs and timetables (covering the passenger stage operations) on file in the Commission's office to become effective concurrent with the consummation of the transfer authorized by ordering paragraph 1 hereof, to reflect the authority granted herein.

7. 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.

8. 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. 80-A, 79 and 98-A.

9. Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

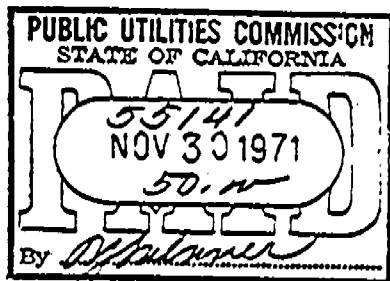
10. Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

11. After the effective date hereof, Jack Armas and Jean Armas may issue a promissory note in the amount of \$3,000 with terms and for the purpose specified in Exhibit B attached to the application.

12. Jack Armas and Jean Armas shall file with the Commission the report required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

The authority herein granted to issue a note will become effective when Jack Armas and Jean Armas have paid the minimum 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 23rd day of NOVEMBER, 1971.



Handwritten signatures of William Symons (Chairman) and other Commissioners.

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

Yosemite Park and Curry Co., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

Between Yosemite Valley and Tuolumne Meadows Lodge. (See Note)

NOTE.--Service shall be seasonal between the approximate dates of July 1 and September 1 of each calendar year when road and weather conditions permit.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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Jack and Jean Armas, dba Mariposa Express, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities as follows:

Between Merced and Yosemite National Park over State Highway No. 140 via Midpines and all intermediate points and via Mormon Bar and Wawona and/or Miami Lodge and all intermediate points. From Mariposa to Mormon Bar, thence to Bridgeport via Old Highway and thence to the junction of Old Highway with State Highway No. 140 southwest of Cathey's Valley. (Subject to Notes 1 and 2)

NOTE 1.--Intrastate commerce only between Midpines and Yosemite National Park and between Mariposa and Yosemite National Park via Wawona and/or Miami Lodge.

NOTE 2.--Service to be performed between certificated points via any and all available streets and highways, including all connecting streets and highways.

(END OF APPENDIX B)

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Appendix C

YOSEMITE PARK AND CURRY CO.
(a corporation)

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions, limitation, 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. 79401, dated November 23, 1971 of the Public Utilities Commission of the State of California, on Application No. 52893.

Section 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS:

Yosemite Park and Curry Co., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons, or persons and their baggage or express, or persons or baggage or express, when such baggage or express is transported incidental to the transportation of passengers over the routes described in Section 2, and subject to the following conditions:

1. (a) Service over Route B will be provided only for traffic having either point of origin or destination at Yosemite National Park.
2. (a) Service over Route C will be provided only for traffic having either point of origin or destination at Yosemite National Park.
(b) Service over Route C shall be a seasonal service between the approximate dates of July 1 and September 1 of each calendar year when road and weather conditions permit.
3. (a) Service over Route D will be provided only for traffic having either point of origin or destination at Yosemite National Park.
(b) Service over Route D shall be a seasonal service between the approximate dates of June 1 and September 1 of each calendar year when road and weather conditions permit.

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Section 2. ROUTE DESCRIPTIONS:

- Route A Between Merced and Yosemite National Park and intermediate points over and along State Highway 140 via Mariposa and Briceburg detouring from said route near Mariposa, proceeding to Yosemite National Park via Mormon Bar and Wawona and/or Miami Lodge.
- Route B Between Fresno and Yosemite National Park and intermediate points over and along State Highway 41 via Kelshaw Corners and Coarsegold and alternate routes via Friant, Clovis, Auberry, North Fork and Wishon or any combination thereof entering Yosemite National Park near Mariposa Cove.
- Route C Between Yosemite National Park and Lake Tahoe and intermediate points over and along the Big Oak Flat Road to Carl Inn, thence easterly over State Highway 120 to westerly boundary of Yosemite National Park, thence across said park through Tuolumne Meadows to the intersection of State Highway 120 with U.S. Highway No. 395 near Mono Lake, thence northerly through Bridgeport and Coleville to U.S. Highway 50, thence along said Highway 50 to its intersection with State Highway 89, thence to Tahoe City; an optional diversion from U.S. Highway 50, east of Lake Tahoe, thence northerly around the north end of said lake to Tahoe City.
- Route D Between Yosemite Valley and Hetch Hetchy over and along Big Oak Flat Road through Carl Inn and Mather.

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