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Decision No. 79521

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WILLIAM G. MELBERN, doing business under the name and style of AIRPORT LIMOUSINE SERVICE, for a Certificate of Public Convenience and Necessity authorizing an extension of passenger limousine service from points in Marin County, California, to the San Francisco International Airport, San Mateo County, California, and returning.

Application No. 50808
(Filed January 10, 1969)

E. H. Griffiths, for applicant.
William Bricca, Attorney at Law, and
Sean A. Mahon, for the Commission staff.

O P I N I O N

William G. Melbern, doing business as Airport Limousine Service, presently rendering service as a passenger stage corporation between the Corte Madera Shopping Center, Town of Corte Madera, on the one hand, and the San Francisco International Airport, on the other hand, requests authority to extend service between the Cities of Novato, San Rafael and Sausalito, on the one hand, and the San Francisco International Airport, on the other hand.

A public hearing was held before Examiner Daly at San Francisco on November 19, 1971, at which time and place the matter was submitted. There was no appearance in protest to the granting of the application.

By his original application, applicant sought to extend his authority to serve the Cities of Novato, San Rafael, Mill Valley, Tiburon and Sausalito. During the course of the hearing he, instead, restricted his application to the Cities of Novato, San Rafael and Sausalito.

Applicant proposes to provide an "on-call" service. He owns and operates three units of equipment including a 1971 Ford Econoline, 1971 7-passenger Dodge and a 1967 Cadillac limousine. As of November 1, 1971, applicant indicated a net worth in the amount of \$15,500.

Applicant proposes to charge a fare of \$9.00 from Novato, \$8.00 from San Rafael and \$5.00 from Sausalito. Negotiations have been made for picking up passengers at specified locations in each of said cities.

Applicant testified that he has received numerous requests to provide the proposed extended service.

After consideration the Commission finds that public convenience and necessity require the granting of the application.

William G. Melbern 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 William G. Melbern, 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.

2. In providing service pursuant to the certificate herein granted, applicant 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 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.
- (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 ten days after the effective date of this order or 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 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 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 and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 72925 dated August 15, 1967, in Application No. 49459, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of DECEMBER, 1971

[Signature]
Chairman
William J. Lyons
[Signature]
James L. Stinson
[Signature]
Commissioners

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. 79521, dated Dec. 21, 1971, of the Public Utilities Commission of the State of California, on Application No. 50808, and supersedes previously issued authority as contained in the certificate appendix to Decision No. 72925.

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

William G. Melbern, doing business as Airport Limousine Service, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between The Edgewater Inn, 1815 Redwood Highway, Corte Madera; The Sportsmens Lodge, 8141 Redwood Highway North, Novato; The Holiday Inn, Northgate Drive, San Rafael and The Village Fair, 777 Bridgeway, Sausalito, on the one hand, and the San Francisco International Airport, on the other hand, over and along the routes hereinafter described, subject to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and 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.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) The foregoing service shall be on an "on-call" basis for which a minimum of four (4) hours' notice is necessary.
- (d) No passenger(s) shall be picked up or discharged at any point intermediate thereto.

Issued by the California Public Utilities Commission.

Decision No. 79521, Application No. 50206. .

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Appendix A

WILLIAM G. MELBERN
DBA
AIRPORT LIMOUSINE SERVICE

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SECTION 2, ROUTE DESCRIPTIONS.

Via any and all routes between The Edgewater Inn, 1815 Redwood Highway, Corte Madera, The Sportsmens Lodge, 8141 Redwood Highway North, Novato, The Holiday Inn, Northgate Drive, San Rafael and The Village Fair, 777 Bridgeway, Sausalito, on the one hand, and the San Francisco International Airport, on the other hand.

Issued by the California Public Utilities Commission.

Decision No. 79521, Application No. 50802.