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Decision No. 79852

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
John N. Thompson Enterprises, Inc.,
for certificate of public convenience
and necessity to operate passenger
and express baggage service between
Arcadia, Pasadena and Hollywood
Burbank Airport

Application No. 53113
(Filed January 26, 1972)

O P I N I O N

John N. Thompson Enterprises, Inc., requests a certificate of public convenience and necessity to operate as a passenger stage corporation for the transportation of passengers and express baggage incidental thereto between Arcadia and Pasadena, on the one hand, and Hollywood Burbank Airport, on the other hand.

Applicant proposes to operate a daily service of approximately 18 round trips utilizing three 12-passenger Checker Aerobus limousines, with one 9-passenger Volkswagon station wagon as a standby vehicle in case of an emergency. The proposed adult fares are \$2.25 to or from the Westerner Motel; and \$2.00 to or from the Vagabond Motel, the Hilton Hotel, and the Huntington Sheraton. Children's fares would be one-half of the adult fare. There is no available public transportation service to the airport from the Arcadia-Pasadena area other than auto rental or taxicab. In 1965 traffic through the airport totalled 334,000 passengers, in 1970 it totalled over 1,300,000, and in 1971 over 1,500,000.

Copies of the application were served upon Southern California Rapid Transit District, Airport Service, Inc., Greyhound Bus Company, Airporttransit, Inc., Lockheed Air Terminal, Inc., and the cities involved.

A protest was received from Airport Service, Inc., a passenger stage corporation engaged in service between the Arcadia and Pasadena area and adjacent communities, on the one hand, and Los Angeles International Airport and Ontario International Airport, on the other hand. Airport Service asserts that applicant proposes to serve the same general area for pickup and discharge of passengers as is presently served by Airport Service. Airport Service "seriously doubts the feasibility of the proposed service and doubts if it can be economically successful." Airport Service asserts that if the application is granted, it will divert traffic from Airport Service and, after the applicant fails, the attendant publicity thereto will have an adverse effect upon airport bus service generally. For those reasons Airport Service requests a public hearing. As applicant intends to serve Burbank Airport and Airport Service serves Los Angeles International Airport and Ontario International Airport, in our opinion the purported issues raised by Airport Service are not substantial enough to merit a public hearing.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

John N. Thompson Enterprises, 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to John N. Thompson Enterprises, Inc., 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.

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 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 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 28th
day of MARCH, 1972.

William L. Jenkins Chairman
Vernon L. Stenger
Commissioners

Commissioner J. P. Vukasin, 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. 79852
dated MAR 28, 1972, of the Public Utilities
Commission of the State of California, in Application
No. 53113.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS AND SPECIFICATIONS

John N. Thompson Enterprises, Inc. is authorized to operate as a passenger stage corporation for the transportation of passengers and their baggage over the routes hereinafter described and subject to the following provisions and restrictions:

- (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 operations in either direction unless otherwise indicated.
- (c) Service shall be limited to the transportation of passengers who originate at or are destined to the Hollywood-Burbank Airport.
- (d) All passengers must be picked up or discharged at points within the authorized service areas described herein, or at the Hollywood-Burbank Airport.

Issued by California Public Utilities Commission.

Decision No. 79852, Application No. 53113.

SECTION 2. SERVICE AREA DESCRIPTIONS

Boundaries of authorized service areas are as follows:

Pasadena-Arcadia Service Area

Commencing at the intersection of Foothill Boulevard and Myrtle Avenue; thence along Myrtle Avenue, Live Oak Avenue; Las Tunas Drive, Rosemead Boulevard, Huntington Drive, Fremont Avenue, Mission Street, Orange Grove Avenue, Orange Grove Boulevard, Lincoln Avenue, Washington Boulevard, Sierra Madre Boulevard, Santa Anita Avenue, Foothill Boulevard to point of beginning.

SECTION 3. ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify such at any time, John N. Thompson Enterprises, Inc. shall conduct his passenger stage operations between the following points and over and along the following described route:

Commencing at the Pasadena-Arcadia Service Area; thence along the Ventura Freeway State Route No. 134, Golden State Freeway State Route No. 5; thence over and along the most direct or appropriate route or routes to the Hollywood-Burbank Airport subject, however, to local traffic regulations.

Issued by California Public Utilities Commission.

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