

Decision No. 79990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
 of RICHARD H. THOMPSON, RODNEY N.  
 CATES AND RICHARD ALAN LIGHTHILL  
 to transfer the certificate of public  
 convenience and necessity now in the  
 name of RICHARD H. THOMPSON and RODNEY  
 N. CATES, dba WHIPPET CHARTER SERVICE,  
 to the name of RICHARD H. THOMPSON and  
 RICHARD ALAN LIGHTHILL, dba WHIPPETT  
 CHARTER SERVICE; and for a certificate  
 of public convenience and necessity to  
 operate passenger stage service in the  
 name of RICHARD H. THOMPSON and RICHARD  
 ALAN LIGHTHILL, dba WHIPPET CHARTER  
 SERVICE, between the City of Union City,  
 Milpitas, and Redwood City on the one  
 hand, and United Airlines Maintenance  
 Base at San Francisco International  
 Airport on the other hand.

Application No. 53115  
 (Filed January 31, 1972)

O P I N I O N

On April 21, 1970, by Decision No. 77112, the Commission issued a certificate of public convenience and necessity to Richard H. Thompson and Rodney N. Cates, doing business as Whippet Charter Service. On October 1, 1970, Rodney N. Cates sold all his interest in Whippet Charter Service to Richard H. Thompson. On December 1, 1970, Richard Alan Lighthill purchased from Richard H. Thompson an undivided one-half interest in Whippet Charter Service.

Applicants Richard H. Thompson and Richard Alan Lighthill request a certificate of public convenience and necessity to establish and operate a passenger stage service for the transportation of employees of United Air Lines between Union City and United Air Lines Maintenance Base at San Francisco International Airport and intermediate points.

There were no protests to the application.

Applicants, by letter of March 29, 1972, deleted service to Redwood City.

The following conditions exist which are relied upon by applicants as justification for granting of a certificate of public convenience and necessity. Applicants have received repeated requests from persons and personnel employed at United Air Lines Maintenance Base to provide a bus service from the area in and about Milpitas to United Air Lines Maintenance Base and return.

There is no service now available to these employees at the times of the day when it is needed.

Applicants' proposed service would reduce the number of automobiles now in use between said city and the United Air Lines Maintenance Base, thereby relieving overcrowding of the parking facilities.

The service herein proposed will be conducted in the same manner as applicants' present authorized operations with route and timetable to be established as required by passenger traffic.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and that public convenience and necessity require the proposed service and concludes that the application should be granted. A public hearing is not necessary.

Richard H. Thompson and Richard Alan Lighthill are 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 a 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.

The order which follows will provide for the revocation of the certificate presently held by Richard H. Thompson and Rodney N. Cates, and the issuance of a certificate to Richard H. Thompson and Richard Alan Lighthill.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Richard H. Thompson and Rodney N. Cates, doing business as Whippett Charter Service, is revoked and a certificate of public convenience and necessity is issued to Richard H. Thompson and Richard Alan Lighthill authorizing them 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, applicants 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, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate 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, 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, applicants 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) 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.

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

Dated at San Francisco, California, this 25<sup>th</sup>  
day of APRIL, 1972.

William J. Vukasin, Jr. Chairman  
James L. Sturgis  
Commissioners

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

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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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.

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Issued by California Public Utilities Commission.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Richard H. Thompson and Richard Alan Lighthill.

Richard H. Thompson and Richard Alan Lighthill, dba Whippet Charter Service, are authorized to transport passengers and their baggage on passenger-carrying vehicles between the United Air Lines Maintenance Base at or near the San Francisco International Airport and certain service areas, over and along the routes hereinafter described, subject, however, 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) Passengers shall be transported only between the service areas set forth herein, on the one hand, and the United Air Lines Maintenance Base, on the other hand.
- (d) Service shall be operated only at times necessary to meet employee shift changes.
- (e) In the event of a strike, shutdown or other closing of said airlines maintenance base, the service shall not be operated.

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SECTION 2. DESCRIPTION OF SERVICE AREAS.

A. Hayward Service Area

The City of Hayward and the area within a radius of three air miles of its corporate city limits.

B. Union City Service Area

The City of Union City and the area within a radius of three air miles of its corporate city limits.

C. Newark Service Area

The City of Newark and the area within a radius of three air miles of its corporate city limits.

D. Fremont Service Area

The City of Fremont and the area within a radius of three air miles of its corporate city limits, excluding any portion in Santa Clara County.

E. Milpitas Service Area

The northwesterly corner of South Park Victoria Drive and Landess Avenue intersection and the northwesterly corner of Landess Avenue and South Main Street (may also be known as Old Oakland Highway) in the City of Milpitas.



SECTION 3. ROUTE DESCRIPTION.

- Route I. Commencing at any point within the Union City service area, thence to the Fremont service area, thence to the Newark service area, thence via Union City service area to the Hayward service area, thence to the United Air Lines Maintenance Base at or near the San Francisco International Airport, via any and all appropriate routes, and return via the same routing.
- Route II. Commencing at the intersection of Dyer Street and Industrial Parkway SW in the City of Union City; thence continuing along Dyer Street to Alvarado-Niles Road; thence along Alvarado-Niles Road to State Highway No. 17 (also known as Nimitz Freeway) to State Highway No. 237 (also known as Alviso-Milpitas Road and/or West Calaveras Boulevard); thence via State Highway No. 237, West Calaveras Boulevard, East Calaveras Boulevard to South Park Victoria Drive; thence along South Park Victoria Drive to Landess Avenue; thence along Landess Avenue and Trimble Road to U. S. Highway No. 101 (also known as Bayshore Freeway); thence along U. S. Highway No. 101 (also known as Bayshore Freeway) and the most direct and appropriate route to the United Air Lines Maintenance Base at or near the San Francisco International Airport.