

Decision No. 80295

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Government Services,  
Inc. for authority to transfer operative  
rights from Sequoia and Kings Canyon  
National Parks Company.

Application No. 53374  
(Filed June 2, 1972)

O P I N I O N

Sequoia and Kings Canyon National Parks Company (Sequoia) requests authority to sell and transfer, and Government Services, Inc. (GSI) requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a passenger stage corporation.

The certificate was granted by Decision No. 50725, dated November 3, 1954, in Application No. 30120, and authorizes the transportation of passengers, their baggage, and shipments of express between Tulare and Visalia, on the one hand, and points and places within Sequoia and Kings Canyon National Parks, on the other hand.

It is alleged that on January 28, 1972, GSI acquired the assets of Sequoia, which operated the hospitality and recreational facilities in Sequoia and Kings Canyon National Parks; that included among the assets is the certificate herein considered; that no portion of the purchase price was allocated to the certificate; and that the transfer would be in the public interest.

As of April 21, 1972, GSI indicated a net worth in the amount of \$5,513,957.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Sequoia and Kings Canyon National Parks Company and the issuance of a certificate in appendix form to Government Services, Inc.

Government Services, 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. On or before December 1, 1972, Sequoia and Kings Canyon National Parks Company may sell and transfer, and Government Services, Inc. may purchase and acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with and observe the provisions of General Orders Nos. 79 and 98-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Government Services, Inc., a corporation, 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.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 50725 in Application No. 30120, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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.

8. Purchaser 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 25th  
day of JULY, 1972.

William J. ... President  
...  
... Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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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Section 1. General Authorizations, Restrictions, Recommendations and Specifications.

The certificate herein noted supersedes all operative authority heretofore granted to Sequoia and Kings Canyon National Parks Company.

This certificate of public convenience and necessity authorizes Government Services, Inc. to:

(a) Regular Route

Transport passengers, baggage and express between Tulare and Visalia, on the one hand, and Sequoia National Park, on the other hand, and

(b) Sightseeing Route

Operate a sightseeing service between Giant Forest Village in Sequoia National Park, on the one hand, and Copper Creek in Kings Canyon National Park, on the other hand,

over and along the routes herein described, subject, however, to the authority of this Commission to change or modify said routes at any time and to the following provisions:

- (1) Motor vehicles may be turned at termini and intermediate points in either direction at intersections of streets or by operating around the block contiguous to intersection in accordance with local traffic regulations.
- (2) When route descriptions are given in one direction they apply to operation in either direction, unless otherwise indicated.
- (3) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

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Section 1. General Authorizations, Restrictions, Recommendations and Specifications. (Continued)

- (4) The term "on-call" as used herein refers to service which is authorized to be rendered dependent upon the demands of passengers. Tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (5) No passenger shall be carried between Visalia and Tulare, or any intermediate point, who has not purchased transportation to and from some point in Sequoia National Park.
- (6) The regular route service shall be scheduled and daily, except for the period when the parks are officially closed as determined by the opening and closing of the facilities therein for the accommodation of tourists, during which period this service shall be "on-call".
- (7) The sightseeing service shall be operated as an "on-call" tour.

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## Section 2. Route Descriptions

Route No. 1 - Regular Route

From points in Tulare, California, on and along the most appropriate streets, roadways and highways, to a junction with State Route 63; thence over State Route 63 in a northerly direction to Visalia; thence over State Route 198 to Giant Forest Village in Sequoia National Park and return over the same route, serving Ash Mountain as an intermediate point.

Route No. 2 - Sightseeing Route

From Giant Forest Village in Sequoia National Park, on the one hand, to Copper Creek in Kings Canyon National Park, on the other hand, over and along the most appropriate streets, roads, and highways in said parks, and over General's Highway and State Route 180 serving General Grant Grove, Cedar Grove, and Roaring River Falls as intermediate points.

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