

ORIGINAL

Decision No. 80803

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EARL C. NEELEY and BERYL NEELEY,)
husband and wife, for certificate of)
public convenience and necessity to)
operate KERN RIVER VALLEY BUS)
COMPANY service between Lake Isabella)
and Bodfish and between Lake Isabella)
and Bella Vista and between Lake)
Isabella and Kernville.)

Application No. 53475
(Filed July 21, 1972)

O P I N I O N

By this application Earl C. Neeley and Beryl Neeley, husband and wife, request authorization to institute and conduct operations as a passenger stage corporation for the transportation of passengers, their baggage, and express property between Bella Vista and Kernville and intermediate points, over the following route:

Commencing at Lake Isabella Post Office to Norton Air Force Base Recreation Area, Norton Air Force Base Recreation Area to Wofford Heights Post Office, Wofford Heights Post Office to Kernville Circle Park, Kernville Circle Park to Sierra Way Shopping Center, Sierra Way Shopping Center to Riverkern, Riverkern to Sierra Way Shopping Center, Sierra Way Shopping Center to Kernville Circle Park, Kernville Circle Park to Wofford Heights Post Office, Wofford Heights Post Office to Norton Air Force Base Recreation Area, Norton Air Force Base Recreation Area to Lake Isabella Post Office, Lake Isabella Post Office to Plaza Shopping Center, Plaza Shopping Center to Bodfish-Highway 178, Bodfish-Highway 178 to Bodfish-Columbus, Bodfish-Columbus to Bodfish Highway 178, Bodfish-Highway 178 to Plaza Shopping Center, Plaza Shopping Center to Lake Isabella Post Office, Lake Isabella Post Office to Mt. Mesa Hospital, Mt. Mesa Hospital to South Lake Estate, South Lake Estate to Larson Tract, Larson Tract to Bella Vista Tract, Bella Vista Tract to Mt. Mesa Post Office, Mt. Mesa Post Office to Lake Isabella Post Office.

A copy of the application was served upon the parties affected thereby and the application was listed on the Commission's Daily Calendar of July 25, 1972. There are no protests.

Applicants proposed fares are set forth as Exhibit "A" to the application. The proposed time schedule is set forth as Exhibit "B" to the application. A map showing the proposed route of operations is attached to the application as Exhibit "C".

Applicants propose to use a 1966 model, 12 passenger, Checker V8 Aero Bus, having 200 horsepower, power steering, power brakes and automatic transmission in the proposed passenger stage operation.

The financial statements of applicants are attached to the application as Exhibit "E". A financial report relevant to this application has also been submitted by the Finance and Accounts Division of the Commission. This report and the memorandum of transmittal have been made a part of the record in this proceeding as Exhibit No. 1. The staff adjusted balance sheet of applicants as of June 30, 1972 shows total assets of \$35,529, total liabilities of \$10,151, and proprietary capital of \$25,378. The income statement of applicants set forth in Exhibit No. 1 shows net commercial income for the six months ended June 30, 1972 of \$5,528 and net other income for the 12 months ended December 31, 1971 of \$2,928. The staff report recommends that the application be granted.

The following additional information is set forth in the application. There are between ten and twelve thousand permanent residents in the Lake Isabella area, of whom approximately 65 percent are persons of retirement age without means of transportation except by securing rides with their neighbors. There is no taxi service. The daily freight service carries mail to each of the post offices in the area but does not provide a satisfactory passenger service

between the points of delivery. A list of the names and addresses of residents of the area who have stated that they desire that the proposed service be authorized is attached to the application.

Findings

Upon consideration of the record, the Commission finds as follows:

1. Applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
3. A public hearing is not necessary.

Conclusion

We conclude that the application should be granted.

Applicants 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 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 Earl C. Neeley and Beryl Neeley, husband and wife, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of DECEMBER, 1972.

Yuman L. Sturgeon
President
William J. Grouss

[Signature]
[Signature]
Commissioners

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

FBC

Appendix A

EARL C. NEELEY AND BERYL NEELEY
Doing Business as
KERN RIVER VALLEY BUS COMPANY

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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. **80803**
dated DEC 12, 1972 of the Public Utilities Commission of the
State of California, on Application No. 53475.

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Appendix A

EARL C. NEELEY AND BERYL NEELEY
Doing Business As
KERN RIVER VALLEY BUS COMPANY

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Appendix A

EARL C. NEELEY AND BERYL NEELEY
Doing Business As
KERN RIVER VALLEY BUS COMPANY

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

Earl C. Neeley and Beryl Neeley by the certificate of public convenience and necessity are authorized to transport passengers, baggage, and express between Lake Isabella and Bodfish; and between Lake Isabella and Bella Vista; and between Lake Isabella and Kernville and certain territories intermediate and adjacent thereto, 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 terminal and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersection 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 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 2. ROUTE DESCRIPTIONS

Commencing at Lake Isabella Post Office, proceeding north along State Route 155 to Norton Air Force Base Recreation Area, Norton Air Force Base Recreation Area to Wofford Heights Post Office, Wofford Heights Post Office to Kernville Circle Park, Kernville Circle Park to Sierra Way Shopping Center, Sierra Way Shopping Center to Riverkern; thence returning south from Riverkern on State Route 155 to Sierra Way Shopping Center, Sierra Way Shopping Center to Kernville Circle Park, Kernville Circle Park to Wofford Heights Post Office, Wofford Heights Post Office to Norton Air Force Base Recreation Area, Norton Air Force Base Recreation Area to Lake Isabella Post Office, Lake Isabella Post Office to Plaza Shopping Center, Plaza Shopping Center to Bodfish - Highway 178, Bodfish - Highway 178 to Bodfish - Highway 178, Bodfish - Highway 178 to Plaza Shopping Center, Plaza Shopping Center to Lake Isabella Post Office; then from Lake Isabella Post Office proceeding east along State Route 178 to Mt. Mesa Hospital, Mt. Mesa Hospital to South Lake Estate, South Lake Estate to Larson Tract, Larson Tract to Bella Vista Tract, then returning west from Bella Vista Tract to Mt. Mesa Post Office and from Mt. Mesa Post Office to Lake Isabella Post Office.