

ORIGINAL

Decision No. 80986

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of HOWARD B. PETTERSEN (Purchaser))
 and RICHARD TWINING (Seller) for)
 authorization to transfer Certifi-)
 cate and Equipment of Passenger)
 Stage Services.)

Application No. 53720
 (Filed November 29, 1972)

O P I N I O N

By this application, Richard Twining, doing business as Adams Charter Coaches and Scenic Highway Tours, Inc. (seller), seeks authority to sell and transfer, and Howard B. Pettersen, doing business as Pettersen Bus Company (purchaser), seeks authority to purchase and acquire, certain property and a certificate of public convenience and necessity authorizing operations as a passenger stage corporation.

The certificate was transferred to seller by Decision No. 78899 in Application No. 52628 and authorizes the transportation of passengers between Napa and Mare Island Naval Shipyard and intermediate points. Service is limited to passengers destined to or originating from Mare Island Naval Shipyard and who are employed at that facility. Included in the sale is a 1953 GMC 38-passenger bus. The agreed consideration is \$8,000, payable upon approval of the sought transfer.

Purchaser presently holds operating authority to perform a like passenger stage service between San Rafael, Fairfield, Napa, St. Helena, and Benecia and within a radius of three miles of their corporate limits, on the one hand, and the Mare Island Naval Shipyard, on the other hand, and intermediate points over specified routes, restricted to passengers destined to or originating at the shipyard.

The additional area purchaser would serve should the authority be granted would be between Vallejo and the shipyard. The fare proposed by buyer between the two locations is 35 cents one way, 50 cents round trip, and \$4.00 for a commute ticket good for two calendar weeks. These are the same fares now charged by seller.

The application states that seller wishes to terminate his passenger stage operation and concentrate on his charter bus operations; that purchaser has operated a similar service to and from the shipyard for many years and has had an excellent service and safety record; that in performing the proposed additional service, purchaser will utilize his own equipment in addition to the bus to be purchased and will acquire additional equipment if necessary; and that as of November 21, 1972, purchaser had a net worth of \$229,100.

The application also proposes a one-way fare of 70 cents and a round-trip fare of \$1.00 between Napa and Mare Island. The current one-way and round-trip fares published in both seller's and purchaser's tariffs between these points are 50 cents and 75 cents, respectively. The application states no reasons or justification for the proposed increase.

We are of the opinion that the transfer should be authorized and that the sought fare increase should be denied. An in lieu certificate will be issued to purchaser which will merge his present certificate with the transferred certificate and thereby eliminate any duplications between the two. It is noted that the service restrictions in the certificate to be transferred are more detailed than those in purchaser's current certificate. However, the restrictions in both are generally similar, and the in lieu certificate will include the service restrictions as stated in purchaser's current certificate.

Seller has informed the Commission that his insurance coverage is about to expire and has requested that the proposed transfer be authorized as soon as possible.

Findings

1. Purchaser has the necessary financial resources and experience to perform the service in issue.
2. The proposed transfer will not be adverse to the public interest.
3. The proposed increases in one-way and round-trip fares between Napa and the Mare Island Naval Shipyard have not been justified. ✓
4. A public hearing is not necessary.

Conclusions

1. The proposed transfer should be granted as provided in the order which follows.
2. The proposed increase in the one-way and round-trip fares between Napa and the Mare Island Naval Shipyard should be denied. ✓

Howard B. Pettersen 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, these 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 July 1, 1973, Richard Twining, doing business as Adams Charter Coaches and Scenic Highway Tours, Inc., may sell and transfer, and Howard B. Pettersen, doing business as Pettersen Bus Company, 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 he has adopted or established, as his 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 Howard B. Pettersen, doing business as Pettersen Bus Company, 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.

6. The certificate of public convenience and necessity granted in ordering paragraph 5 shall supersede the certificates of public convenience and necessity granted to seller by Decision No. 78899 and to purchaser by Decision No. 73770, as amended by Decisions Nos. 75536 and 76089, which certificates are revoked 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 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.

8. The proposed increase in the one-way and round-trip fares between Napa and the Mare Island Naval Shipyard is denied. ✓

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of JANUARY, 1973.

Vernon L. Sturgeon
President

[Signature]
[Signature]
Commissioners

[Signature]

[Signature] Commissioner

-5-
Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

JR

APPENDIX A

HOWARD B. PETTERSEN
dba
PETTERSEN BUS COMPANY

Original Page 1

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. 80986
dated JANUARY 23, 1973 of the Public Utilities Commission
of the State of California, on Application No. 53720.

INDEX

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	3
SECTION 2. ROUTE DESCRIPTIONS	
<u>Route</u> <u>Route Name</u>	
1 Napa Route.....	4
2 St. Helena Route.....	4
3 Fairfield Route.....	4
4 San Rafael Route.....	4
5 Benicia Route.....	4
6 Vallejo Route.....	5

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Howard B. Pettersen.

Howard B. Pettersen, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage, mail and express between San Rafael, Fairfield, Napa, St. Helena, Benicia and within a radius of three miles of their corporate limits, on the one hand, and the Mare Island Naval Shipyard, on the other hand, and intermediate points, over and along the routes hereinafter described, 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) Only passengers destined to or originating at the Mare Island Naval Shipyard shall be transported.
- (d) Routes may be combined for operational purposes.

Issued by California Public Utilities Commission.

Decision No. 80986, Application No. 53720.

SECTION 2. ROUTE DESCRIPTIONS.

NAPA ROUTE

Commencing in the City of Napa or any point within three miles of the Napa City Limits; thence to State Highway 29; thence along State Highway 29 and State Highway 37 to the entrance of the Mare Island Naval Shipyard.

ST. HELENA ROUTE

Commencing in the City of St. Helena or any point within three miles of the St. Helena City Limits; thence to State Highway 29; thence via State Highway 29 and State Highway 37 to the entrance of the Mare Island Naval Shipyard.

FAIRFIELD ROUTE

Commencing in the City of Fairfield or any point within three miles of Fairfield City Limits; thence to Interstate Highway 80; thence along Interstate Highway 80 and State Highway 37 to the entrance of the Mare Island Naval Shipyard.

SAN RAFAEL ROUTE

Commencing in the City of San Rafael or any point within three miles of San Rafael City Limits; thence to U. S. Highway 101; thence via U. S. Highway 101 and State Highway 37 to the entrance of the Mare Island Naval Shipyard.

BENICIA ROUTE

Commencing in the City of Benicia or any point within three miles of Benicia City Limits; thence to Interstate Highway 680; thence to the city limits of Vallejo; thence via Vallejo city streets to State Highway 37 to the entrance of the Mare Island Naval Shipyard.

Issued by California Public Utilities Commission.

Decision No. 80986, Application No. 53720.

SECTION 2. ROUTE DESCRIPTIONS. (continued)

VALLEJO ROUTE

Commencing at the intersection of State Highway No. 29 (also known as Napa Road) and Rio Del Mar Road in the County of Napa; thence in a southwesterly direction along Rio Del Mar Road to West Carolyn Drive; thence northwesterly along West Carolyn Drive to Landana Street; thence in a southwesterly direction along Landana Street to Donaldson Way; thence southerly along Donaldson Way to Los Altos; thence northeasterly along Los Altos (Napa County) to Carolyn Drive; thence in a northerly direction along Carolyn Drive to Rio Del Mar Road; thence northeasterly along Rio Del Mar Road to Cassayre Drive; thence easterly along Cassayre Drive to Melvin Road; thence in a southeasterly direction along Melvin Road to Wilson Way; thence westerly along Wilson Way to Andrew Road; thence southeasterly along Andrew Way to Crawford Way; thence northeasterly along Crawford Way to State Highway No. 29 (also known as Napa Road); thence in a southerly direction along State Highway No. 29 to Kimberly Drive; thence westerly along Kimberly Drive to Elliott Drive; thence southeasterly along Elliott Drive to Dillion Drive; thence easterly along Dillion Drive to Diana Drive; thence northeasterly along Diana Drive to Mini Drive; thence easterly along Mini Drive to State Highway No. 29 (also known as Sonoma Boulevard); thence in a southerly direction along State Highway No. 29 to Valle Vista Avenue; thence westerly along Valle Vista Avenue to Sacramento Street; thence in a northwesterly direction along Sacramento Street to Gardner Street; thence southwesterly along Gardner Street to Selfridge Street; thence southeasterly along Selfridge Street to the junction with Rodgers Street; thence northwesterly continuing along Rodgers Street to Daniels Avenue; thence southwesterly along Daniels Avenue to Wilson Avenue; thence in a southeasterly direction along Wilson Avenue to Mare Island Causeway; thence westerly along Mare Island Causeway to the entrance of Mare Island Naval Shipyard.

Issued by California Public Utilities Commission.

Decision No. 80286, Application No. 53720.