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ORIGINAL

Decision No. 81359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BEAR VALLEY DEVELOPMENT COMPANY
(hereinafter amended to be an
application of its wholly owned
subsidiary LAKE ALPINE WATER COMPANY,
INC.) for a certificate of public
convenience and necessity to operate
passenger and express service between
Bear Valley and Mt. Reba, Alpine
County, California.

(Amended Title)

Application No. 53679
(Filed November 18, 1972;
amended January 30, 1973)

O P I N I O N

By the amended application Lake Alpine Water Company, Inc. requests a certificate of public convenience and necessity to establish and operate an automotive service for the transportation of passengers and express consisting of skis, ski poles, and ski equipment on passenger-carrying vehicles from the Bear Valley Lodge and the south parking lot of Bear Valley both located at Bear Valley, to the Day Lodge at Mt. Reba and intermediate points.

Revenues for the 1972-1973 season were projected at \$4,000. Costs to operate the bus line service are estimated at \$20,000 resulting in a loss of \$16,000. It is expected that revenues will increase in the future as more homes and condominiums are sold at Bear Valley. However, it is unlikely that the bus line operations will become profitable in the near future. Mt. Reba, Inc., owner of the ski lodge being served, and Bear Valley Development Company have agreed to underwrite any operating losses resulting from such operations.

The following conditions exist which are relied upon by applicant as justification for granting of a certificate of public convenience and necessity: Homeowners, renters, and guests at the various lodging facilities in Bear Valley require transportation to the skiing area at Mt. Reba, four miles away. The facilities at Bear Valley include a 60-room lodge, 92 condominiums, 3 restaurants, 2 cocktail lounges, a delicatessen, a gasoline service station, a ski and clothing shop, a condominium rental service, and a real estate development company, plus approximately 170 private homes. The ski area is located at Mt. Reba approximately four miles by public highway northeast of Bear Valley. There is no present public method of transportation between Bear Valley and Mt. Reba. Therefore, persons wishing to avail themselves of the ski facilities must drive a passenger car as it is impractical, if not impossible, to walk. The proposed service will enable guests at the lodge and condominiums and the public at large to park in relative convenience at Bear Valley and be transported by bus directly to the Day Lodge at Mt. Reba.

The bus service will be provided with the equipment described in Exhibit D attached to the application, except that Bear Valley Development Company will lease the equipment to Lake Alpine Water Company, Inc.

There were no protests.

After consideration the Commission finds that public convenience and necessity require that the application be granted as set forth in the ensuing order. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. Public hearing is not necessary.

Applicant is 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. 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 Lake Alpine Water Company, 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 more 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-Series and insurance requirements of the Commission's General Order No. 101-Series.

- (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-Series and 98-Series.
- (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 8th day of MAY, 1973.

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

Vernon L. Sturges
President

William J. Quinn
John A. Quinn
Edith Quinn
Commissioners

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. 81359,
dated May 8, 1973, of the Public Utilities
Commission of the State of California, on Application
No. 53679.

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Issued by California Public Utilities Commission.

Decision No. 81359, Application No. 53679.

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

Lake Alpine Water Company, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between Bear Valley Lodge and Day Lodge at Mt. Reba, 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) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as hereinafter set forth.
- (d) The transportation of baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than twenty-five (25) pounds per shipment.
- (e) Baggage to be transported under (d) shall be limited to skis, ski poles, and related skiing equipment, and shall be transported at no charge.

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1

Commencing at the Bear Valley Lodge approximately 1/4 mile over an unnamed County Road to the south parking lot of Bear Valley, thence approximately 1/3 mile to State Highway 4, thence east on Highway 4, approximately 2 miles to Mt. Reba Road, thence north via Mt. Reba Road approximately 2 miles to the Day Lodge at Mt. Reba; returning by the reverse of the same route.