

Decision No. 82301

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BOB BROWN'S SKI AND SPORT SHOPS, INC.,  
a California corporation, for certifi-  
cate of public convenience and  
necessity to operate passenger and  
baggage service between East Bay ski  
shops and Sierra ski resorts.

Application No. 54430  
(Filed November 5, 1973)

INTERIM OPINION AND ORDER

Applicant Bob Brown's Ski and Sport Shops, Inc. requests a certificate of public convenience and necessity to operate as a passenger stage corporation between five ski shops located in Contra Costa County, on the one hand, and, on the other hand, certain resorts in the Sierra Nevada Mountains, including the Kirkwood Meadows ski area located off of California Highway 88 near the California-Nevada border. Applicant requests interim authority because the operation will be seasonal and the time of year when its service will be useful is at hand.

Applicant intends to initially operate one bus which will leave Bob's Ski and Sport Shop at San Pablo at 5:00 a.m. and thereafter make pickup stops at the other four designated ski shops and arrive at Kirkwood Meadows ski area at 9:30 a.m. The return schedule will leave Kirkwood Meadows ski area at the close of the ski lifts at approximately 4:00 or 5:00 p.m. There will be one round trip schedule every Saturday and Sunday, including holidays, during the ski season. Applicant asserts that the question most asked by his ski shop customers is "How can I get to the slopes?"; that considering the hard three hours driving each way, this usually leaves the driver of the auto too tired to really enjoy a one day ski trip and possibly too tired to drive safely home; that starting its bus service should mean the removal

of many automobiles from the highways during the ski season and the savings of substantial amounts of automobile fuel.

Applicant asserts that it will offer student fares at less than its proposed regular fare. Seats will be sold by reservation and refunds will be made if requested at least 24 hours prior to the departure of any trip. Applicant intends to use a six-cylinder, diesel GMC model 4103 air conditioned bus with reclining seats which applicant has pledged to purchase. Applicant's unaudited balance sheet as of February 28, 1973 shows that it has a net worth of \$48,876 and that for the year ending on that date its sales were \$372,195 for a net income after taxes of \$16,876.

The application was noticed in the Commission's Daily Calendar of November 8, 1973.

After consideration the Commission finds that, subject to further consideration of evidence which may be adduced at a public hearing, public convenience and necessity require the granting to applicant of an interim certificate as a passenger stage corporation to serve between the subject ski shops and the Kirkwood Meadows ski area and that in view of the fact that applicant has but one bus available to it at this time, it is doubtful that applicant could render adequate service to the other points requested. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

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 Bob Brown's Ski and Sport Shops, 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 set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 authorized service.
- (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.

3. The authority granted herein shall expire six months from the effective date of this order unless sooner canceled, modified, or extended.

4. A public hearing shall be scheduled in this proceeding for the receipt of evidence on the application and full disposition thereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd  
day of JANUARY, 197-

Vernon L. Sturgeon  
President  
William Sykes

[Signature]  
[Signature]  
Commissioners

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

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Appendix A      BOB BROWN'S SKI AND SPORT SHOPS, INC.      Original Page 1

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 under authority of Decision No. 82301  
dated January 3rd 1974 of the Public Utilities Commission  
of the State of California, on Application No. 54430.

## Appendix A      BOB BROWN'S SKI AND SPORT SHOPS, INC.    Original Page 2

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

Bob Brown's Ski and Sport Shops, Inc., a California corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between Bob's Ski and Sport in San Pablo, Sports Unlimited in Orinda, Colliers's Sports Village in Lafayette, Bob's Ski and Sport in Concord, and Palace Sporting Goods in Antioch, on the one hand, and Kirkwood Meadows Ski area, on the other hand, 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) Service shall be operated on a one round-trip schedule every Saturday, Sunday, and holiday during the California Winter ski season only.
- (d) The above-mentioned stopping points are for loading purposes only when transportation is to Kirkwood Meadows, and for unloading purposes only when transportation is from Kirkwood Meadows.
- (e) Applicant shall operate "closed-door" between Antioch and Kirkwood Meadows.

Issued by California Public Utilities Commission.

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SECTION 2.    ROUTE DESCRIPTIONS.

Route No. 1

Commencing at Bob's Ski and Sport located at 14012 San Pablo Avenue, San Pablo; then eastbound via San Pablo Avenue, El Portal Drive, San Pablo Dam Road, Camino Pablo, and Orinda Way to Sports Unlimited located at 21 Orinda Way, Orinda; then via Orinda Way, State Highway 24, and Mt. Diablo Boulevard to Collier's Sports Village located at 3543 Mt. Diablo Boulevard, Lafayette; then via Mt. Diablo Boulevard, State Highway 24, Treat Boulevard, and Oak Grove Road to Bob's Ski and Sport located at 1703 Oak Grove Road, Concord; then via Oak Grove Road, Treat Boulevard, State Highway 24, State Highway 4, and "A" Street to Palace Sporting Goods located at 1619 "A" Street, Antioch; then via "A" Street, State Highway 4, State Highway 160, State Highway 12, and State Highway 88 to the Kirkwood Meadows ski area.

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