

ORIGINAL

Decision No. 82667

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Ellsworth Lewis an individual doing business as LEWIS TRAVEL CENTER for certificate of public convenience and necessity to operate a passenger/express service between VISALIA and the FRESNO MUNICIPAL AIRPORT.

Application No. 54496
(Filed December 10, 1973;
amended December 21, 1973)

O P I N I O N

Applicant requests a certificate of public convenience and necessity to operate as a passenger stage corporation between 124 North Willis Street, Visalia, and the Fresno Municipal Airport as more particularly described in Appendix A hereto. The application was noticed in the Commission's Daily Calendar of December 11, 1973. No protests to the application have been received.

Applicant contends that commercial bus transportation to and from downtown Fresno is such that air passengers look to private auto transportation rather than use the buses from Visalia or Goshen, which have infrequent schedules that do not correlate connecting bus service with Fresno air flights to the downtown bus terminal in Fresno, and then connect with an airport-bound taxi or limousine service. Applicant states that the uncertainties of the existing means of connecting between Visalia and the Fresno Municipal Airport, combined with the loss of time in using them, are such that not one percent of the Visalians bound for Fresno departures (or return) use them. Applicant asserts that in 1973 his travel service in Visalia wrote approximately 3,000 Fresno boarding tickets and the most frequent question asked by his clients was "But how are we to get to the Fresno airport?" Applicant will schedule its bus service with the arrivals and departures of airplanes at the Fresno Airport and will charge a one-way fare of \$6.

On-call service will be available at hours not conflicting with scheduled operations. Service will be conducted with a 1974 Dodge Royal Sportsman maxivan. The application shows that applicant had a net worth as of December 1, 1973 of \$78,889. The Visalia Chamber of Commerce and the city of Visalia through its city manager unequivocally support the application.

After consideration the Commission finds that public convenience and necessity require the granting of the application. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A 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 Ellsworth Lewis, 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 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 he accepts the certificate he 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 his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9th day of APRIL, 1974.

Vernon L. Stanger
President
William J. Stanger
William J. Stanger
William J. Stanger
William J. Stanger
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. S2667
dated APR 2, 1974 of the Public Utilities Commission
of the State of California, on Application No. 54496.

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

Ellsworth Lewis, doing business as Lewis Travel Center, 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 Lewis Travel Center, Visalia, on the one hand, and Fresno Municipal Airport, on the other hand, over and along the route 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 daily basis. "On-call" service shall be available at hours not conflicting with scheduled operations. Tariffs and timetables shall show the conditions under which such "on-call" service shall be operated.
- (d) Service shall be provided with vehicle(s) seating no more than 15 passengers.
- (e) Other than the transportation of personal baggage accompanying a passenger, no additional transportation service, including the transportation of express matter, shall be performed.

Issued by California Public Utilities Commission.

Decision No. 82667, Application No. 54496.

SECTION 2. ROUTE DESCRIPTION.

Commencing at 124 North Willis Street, Visalia, thence via Willis Street, thence via Highway 198, thence via Highway 99, thence via Clovis Avenue, thence via McKinley Avenue, thence via Peach Avenue to Fresno Municipal Airport.

Return via identical route, except exit from Highway 198 via Noble Street ramp, thence via West Street, thence via Center Street, thence to 124 North Willis Street, Visalia.

Issued by California Public Utilities Commission.

Decision No. 82667, Application No. 54496.