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Decision No. 83235

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Mrs. Peggy A. Radcliffe and
Mrs. Marguerite Etcheverry, a
Co-partnership, dba THE SQUIRREL -
REDWOOD BUS TOURS for authority to
acquire; and the application of
SQUIRREL ENTERPRISE, INC., a
corporation to transfer a certificate
of public convenience and necessity
as a Passenger Bus Sightseeing
Service.

Application No. 54923
(Filed May 30, 1974)

O P I N I O N

Squirrel Enterprise, Inc. requests authority to sell and transfer and Peggy A. Radcliffe and Marguerite Etcheverry, copartners doing business as The Squirrel - Redwood Bus Tours, request authority to purchase and acquire a bus and a certificate of public convenience and necessity authorizing them to operate as a passenger stage corporation.

The certificate was granted by Decision No. 74268 in Application No. 50199 and authorizes the transportation of passengers between Hartsook Inn, Benbow Inn, and Richardson Grove State Park, on the one hand, and various points of historic and general interest, on the other hand. The agreed cash consideration for the certificate and the bus is \$3,500. As of May 30, 1974, applicant purchasers indicated a net worth in the amount of \$46,110.

It is alleged that the sight-seeing bus tour is a highly personalized business; that in order to develop interest a good advertising campaign is required; that applicant seller cannot contribute the time required because of other business interests; and that applicant purchasers are familiar with the operation.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find 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. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Squirrel Enterprise, Inc. and the issuance of a certificate in appendix form to Peggy A. Radcliffe and Marguerite Etcheverry.

Purchasers are 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 holders 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. On or before December 1, 1974, Squirrel Enterprise, Inc. may sell and transfer the operative rights and property referred to in the application to Peggy A. Radcliffe and Marguerite Etcheverry.
2. Within thirty days after the transfer the purchasers shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchasers shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their own, the 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 transfer. 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-Series and 98-Series. Failure to comply with the provisions of General Orders Nos. 79-Series and 98-Series 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 transfer, the purchasers 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 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Peggy A. Radcliffe and Marguerite Etcheverry, copartners, 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 set forth in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted by Decision No. 74268 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchasers shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

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8. Purchasers 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 6th day of AUGUST, 1974.

Vernon L. Springer
President
William J. ...
...
...
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A

Mrs. Peggy A. Radcliffe
and Mrs. Marguerite Etcheverry
Doing Business As
THE SQUIRREL REDWOOD BUS TOURS

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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. 83235 dated AUG 6, 1974 of the Public Utilities Commission of the State of California on Application No. 54923.

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Appendix A

Mrs. Peggy A. Radcliffe
and Mrs. Marguerite Etcheverry
Doing Business As
THE SQUIRREL REDWOOD BUS TOURS

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

Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, a copartnership doing business as The Squirrel Redwood Bus Tours, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sight-seeing purposes between Hartsook Inn, Benbow Inn, Richardson Grove State Park, and Garberville, on the one hand, and various scenic points of interest in Humboldt County over the route hereinafter described subject to the following provisions:

1. All service herein authorized shall be limited to the transportation of round-trip passengers only, originating and terminating at the Hartsook Inn, Benbow Inn, Richardson Grove State Park, or Garberville.
2. Service shall be operated triweekly during the months of June through September of each year.

SECTION 2. ROUTE DESCRIPTION:

Commencing at the Hartsook Inn, in Humboldt County, thence along U. S. Highway 101 to Richardson Grove State Park, Benbow Inn, and Garberville, thence via Alderpoint Road through Redway, U. S. Highway 101; the Avenue of the Giants and U. S. Highway 101 to Scotia; returning via U. S. Highway 101 and Bull Creek Road to Rockefeller Grove and U. S. Highway 101 to the point of beginning.

Issued by California Public Utilities Commission.

Decision No. 83235, Application No. 54923.