

Decision No. 83889

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HOWARD B. PETTERSEN (Purchaser) and)
ALFONZO LOPEZ, JR. (Seller) for)
authorization to transfer Certif-)
icate of Passenger Stage Service.)

Application No. 55255
(Filed October 16, 1974)

O P I N I O N

Alfonzo Lopez, Jr., requests authority to sell and transfer his certificate of public convenience and necessity to operate a passenger stage service between the cities of Vacaville and Fairfield, and the Mare Island Naval Shipyard to Howard B. Pettersen who presently operates under authority of a certificate of public convenience and necessity between the cities of Napa, St. Helena, Benicia, and the Mare Island Naval Shipyard.

The reason for seller's entering into the agreement is that he has sold his buses, now works nights at Mare Island Naval Shipyard, and is unable to drive a commute bus. Purchaser is now certificated for the same class of service, is employed at Mare Island Naval Shipyard, and has a bus available for this run.

The purchase price is \$500.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. Purchaser has the ability, including financial ability, to conduct operations under the certificate for which authority to transfer is sought. 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 Alfonso Lopez, Jr., and by Howard B. Pettersen and the issuance of a new certificate in appendix form to Howard B. Pettersen.

The Commission concludes that the application should be granted.

Howard B. Pettersen 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. On or before March 3, 1975, Alfonso Lopez, Jr., may sell and transfer the operative rights referred to in the application to Howard B. Pettersen.
2. Within thirty days after the transfer the purchaser 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. Purchaser 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 he has adopted or established, as his 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 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 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 Howard B. Pettersen, 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.

6. The certificates of public convenience and necessity granted by Decisions Nos. 73770, 76089, 76681, and 80986 are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall comply with the safety rules administered by 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.

8. Purchaser 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of DECEMBER, 1974.

Vernon L. Stevens
President
William Lyons, Jr.
Thomas Moran
Robert E. McLaughlin
Commissioners

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Appendix A

HOWARD B. PETTERSEN
dba
PETTERSEN BUS COMPANY

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto. The certificate herein supersedes all operative authority heretofore granted to Howard B. Pettersen.

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. 83889, dated
DEC 30 1974 of the Public Utilities Commission of the
State of California, in Application No. 55255.

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Appendix A

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Appendix A

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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 Vacaville, Fairfield, Napa, St. Helena, Benicia, Vallejo, 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.

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SECTION 2. ROUTE DESCRIPTIONS.

Napa

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

St. Helena

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

Fairfield

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

Vacaville

Commencing in the City of Vacaville or any point within three miles of said city's corporate limits; thence via Interstate Highway 80, State Highway 37 to the entrance of the Mare Island Naval Shipyard.

Benicia

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

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Appendix A

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SECTION 2. ROUTE DESCRIPTIONS. (Contd.)

Vallejo

Commencing at the intersection of State Highway 29 (also known as Napa Road) and Rio Del Mar Road in the County of Napa; thence southwest to Rio Del Mar Road, West Carolyn Drive, Landana Street, Donaldson Way, Los Altos (Napa County), north Carolyn Drive, Rio Del Mar Road, Cassayre Drive, Melvin Road, Wilson Way, Andrew Way, Crawford Way, State Highway 29, Kimberly Drive, Elliott Drive, Dillion Drive, Diana Drive, Mini Drive, State Highway 29, Valle Vista Avenue, Sacramento Street, Gardner Street, Selfridge Street, north Rodgers Street, Daniels Avenue, Wilson Avenue, Mare Island Causeway to the entrance of Mare Island Naval Shipyard.

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