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ORIGINAL

Decision No. 83978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Delmar Jones, DBA Holiday Limousine
Service, a privately owned company,
for a Certificate of Public Convenience and Necessity.

Application No. 54456
(Filed November 20, 1973;
amended April 12, 1974)

Struthers & Harris, Incorporated, by William
Struthers, Attorney at Law, for Delmar Jones,
applicant.

M. E. Gottlieb, for the Commission staff.

O P I N I O N

This is an application by Delmar Jones (Jones), doing business as Holiday Limousine Service, who seeks a certificate of public convenience and necessity to operate as a passenger stage corporation. Jones seeks authority to provide limousine service between the Oakland International Airport, San Francisco International Airport, Livermore Municipal Airport, and San Jose Municipal Airport and points and places in San Mateo, Santa Clara, Alameda, and Contra Costa Counties.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis in San Francisco on April 4, 1974. The matter was submitted subject to the filing of an amendment to the application which was received on April 12, 1974.

The Commission has considered the entire record in this proceeding and enters the following findings and conclusion.

Findings of Fact

1. Jones presently conducts operations under a charter-party carrier of passenger permit issued by this Commission. He operates in the areas and to the airports which are the subject of this application.

2. Jones presently utilizes 8 limousines in the conduct of his operations and employs 6 drivers on a full-time basis. As of November 1973, Jones' assets exceeded his liabilities by approximately \$22,000. Jones presently provides service to approximately 68 corporations and businesses. In 1972 Jones carried an average of 316 passengers per month. At the time of the hearing he carried an average of 601 passengers per month.

3. The demand for Jones' service continues to increase. It would be more economical and beneficial to the public if Jones were granted passenger stage operating authority so that he can consolidate his operations and pick up unrelated passengers on an individual fare basis.

4. Jones has the ability, including financial ability, to conduct the proposed operations.

5. Public convenience and necessity require that Jones be granted a certificate of public convenience and necessity to operate as a passenger stage corporation as hereinafter provided.

6. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion of Law

Jones should be granted a certificate of public convenience and necessity to operate as a passenger stage corporation as herein provided.

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 Delmar Jones, doing business as Holiday Limousine Service, 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 administered by 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of JANUARY, 1975.

Vernon L. Stinson
President
William J. ...
...

Commissioners

DELMAR JONES
dba
HOLIDAY LIMOUSINE SERVICE

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. 83978
dated JAN 14 1975 of the Public Utilities Commission
of the State of California, in Application No. 54456.

Appendix A

DELMAR JONES
dba
HOLIDAY LIMOUSINE SERVICE

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

Delmar Jones, doing business as Holiday Limousine Service, 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 points in the Counties of Alameda and Contra Costa, on the one hand, and the San Francisco International Airport, Oakland International Airport, San Jose Municipal Airport, and Livermore Municipal Airport, on the other hand, over the most appropriate routes subject to the following provisions:

- (a) No passengers shall be transported except those having point of origin or destination at one of the following places:
 - 1. San Francisco International Airport
 - 2. Oakland International Airport
 - 3. San Jose Municipal Airport
 - 4. Livermore Municipal Airport
- (b) When service is rendered it shall be on an "on-call" basis. Tariffs and timetables shall show the conditions under which such "on-call" service shall be operated.
- (c) Service shall be provided with vehicles seating no more than nine passengers.

Issued by California Public Utilities Commission.

Decision No. 83978, Application No. 54456.