

**ORIGINAL**Decision No. 84295

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MCA Recreation  
Company and Yosemite Park and  
Curry Co. to transfer certificates  
of public convenience and necessity  
by operation of law in connection  
with merger of said corporations.

Application No. 55385

SUPPLEMENTAL OPINION AND ORDER

By this application Yosemite Park and Curry Company seeks authority to transfer its certificates of public convenience and necessity to MCA Recreation Company. Authority was granted on December 31, 1974 by Decision No. 83950.

MCA requests authorization to change its name to Yosemite Park and Curry Co. This request is reasonable.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificates presently held by Yosemite Park and Curry Co., and the issuance of a certificate in appendix form to MCA Recreation Company with its name changed to Yosemite Park and Curry Co.

Yosemite Park and Curry Co. 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.

IT IS ORDERED that:

1. On or before July 1, 1975 Yosemite Park and Curry Co. may sell and transfer the operative rights referred to in the application to MCA Recreation Company.

2. MCA Recreation Company may change its name to Yosemite Park and Curry Co.

3. 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.

4. 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 it has adopted or established, as its 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.

5. In the event the transfer authorized in Ordering Paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by Ordering Paragraph 4, a certificate of public convenience and necessity is granted to Yosemite Park and Curry Co., a corporation (formerly MCA Recreation Company), 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 of this decision.

6. The certificates of public convenience and necessity granted by Decisions Nos. 81746, 80299, and 79401 are revoked effective concurrently with the effective date of the tariff filings required by Ordering Paragraph 4.

7. Purchaser 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.

8. Purchaser 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 8th  
day of APRIL, 1975.

William L. [Signature]  
President  
William [Signature]  
[Signature]  
Leonard [Signature]  
Commissioners

Commissioner ROBERT BATNOVICH

Present but not participating.

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. 84295, dated APP 8-1975,  
1975 of the Public Utilities Commission of the State of California, in  
Application No. 55385.

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

Yosemite Park and Curry Co., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport persons, or persons and their baggage or express, or persons or baggage or express, when such baggage or express is transported incidental to the transportation of passengers over the routes described in Section 2, and subject to the following conditions:

- 1.a. Service over Route B will be provided only for traffic having either point of origin or destination at Yosemite National Park.
- b. Service over Route B shall be a seasonal service between the approximate dates of May 1 and October 1 of each calendar year when road and weather conditions permit, except that special operations may be conducted without regard to this seasonal restriction. The term "special operations" as herein used shall mean the transportation of groups of passengers traveling pursuant to a common purpose and when the fares or charges for such transportation are computed upon an individual fare basis.
- 2.a. Service over Route C will be provided only for traffic having either point of origin or destination at Yosemite National Park.
- b. Service over Route C shall be a seasonal service between the approximate dates of July 1 and Labor Day, inclusive, of each calendar year when road and weather conditions permit.
- 3.a. Service over Route D will be provided only for traffic having either point of origin or destination at Yosemite National Park.
- b. Service over Route D shall be an "on-call" seasonal service, subject to a minimum of three adult-fare passengers, between the approximate dates of July 1 and Labor Day, inclusive, of each calendar year when road and weather conditions permit.

Issued by California Public Utilities Commission.

By Decision No. 84295, Application No. 55385.

Section 2. ROUTE DESCRIPTIONS:

- Route A. Between Merced and Yosemite National Park and intermediate points over and along State Highway 140 via Mariposa and Briceburg.
- Route B. Between Fresno and Yosemite National Park and intermediate points over and along State Highway 41 via Coarsegold and Oakhurst, and entering Yosemite National Park at the south entrance thereof.
- Route C. Between Yosemite National Park and Lee Vining and intermediate points over and along State Highway 120.
- Route D. Between Yosemite Valley and Hetch Hetchy over and along Big Oak Flat Road through Carl Inn and Mather.