

Decision No. 84922**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Robert F. Brayton, Felipe Zepeda, and Frank T. Almaguer dba A. B. & Z Labor Contractors for certificate of public convenience and necessity to operate an employee bus service between 751 Guadalupe Street, Guadalupe, California and various farm fields.)
)
) Application No. 55536
) (Filed March 3, 1975)
)
)

O P I N I O N

By this application, Frank T. Almaguer, Robert F. Brayton and Felipe Zepeda, doing business as A. B. & Z Labor Contractors, request a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation between Guadalupe, on the one hand, and points within a service area, on the other hand, that encompasses Arroyo Grande on the north, Santa Maria and Los Alamos on the east and Lompoc and Santa Rosa County Park on the south.

Applicants will only transport farm workers from Guadalupe to the farm fields in the morning and return during the afternoon, on an "on-call" basis, with collection of a round-trip fare of \$1.75 per person. Applicants may also transport farm workers between farm fields, with no additional charge for this service. Operations will be conducted with two 1973 and two 1974 Chevrolet 12-passenger vans. Applicants represent that they have capital in the amount of \$16,545.

Applicants allege that the majority of the farm workers have no transportation between Guadalupe and the farm fields, nor between farm fields.

The application was listed on the Commission's Daily Calendar of March 6, 1975. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest or request for public hearing it be granted

by ex parte order. No protest has been received.

After consideration, the Commission finds that a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation should be granted to the applicants to the extent set forth in the ensuing order. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Applicants 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 granting 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 Robert F. Brayton, Felipe Zepeda and Frank T. Almaguer, dba A. B. & Z Labor Contractors, a partnership, 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 of this decision.

2. In providing service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of

the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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) Applicants 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 is the date hereof.

Dated at San Francisco, California, this 16th
day of SEPTEMBER, 1975.



President

William Symons Jr.

Vernon L. Sturgeon

Leonard Ross

Robert R. ...

Commissioners

Frank T. Almaguer, Robert F. Brayton
and Felipe C. Zepeda
doing business as

Appendix A

A. B. & Z LABOR CONTRACTORS
(a partnership)

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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. **84922**
dated September 16, 1975, 1975, of the Public Utilities
Commission of the State of California, on Application No. 55536.

Frank T. Almaguer, Robert F. Brayton
and Felipe C. Zepeda
doing business as

Appendix A

A. B. & Z LABOR CONTRACTORS
(a partnership)

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

Frank T. Almaguer, Robert F. Brayton and Felipe C. Zepeda, doing business as A. B. & Z Labor Contractors, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized as a passenger stage corporation to transport farm workers between Guadalupe, on the one hand, and points within a service area that encompasses Arroyo Grande on the north, Santa Maria and Los Alamos on the east, and Lompoc and Santa Rosa County Park on the south, on the other hand, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. All service herein authorized shall be limited to the transportation of round-trip passengers consisting of farm workers only.
- b. Carrier may also transport farm workers between farm fields within the limits of the specified service area as described above.
- c. Carrier shall perform transportation service only on an "on-call" basis. "On-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.

Issued by California Public Utilities Commission.

Decision No. 84922, Application No. 55536.