

Decision No. 85458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of  
 William Royal, Ken Lewis,  
 Dean Feerandini and Robert Kenyon  
 dba THE CONFLUENCE

ORIGINAL

Application No. 55793  
 (Filed July 8, 1975)

For certificate of public convenience  
 and necessity to operate Passenger,  
 Baggage and property express service  
 between Melones Camp (Stanislaus  
 River) and Camp Nine (Stanislaus River)

O P I N I O N

William Royal, Ken Lewis, Dean Feerandini and Robert Kenyon, a partnership, doing business as The Confluence, request, by this application, a Certificate of Public Convenience and Necessity to establish and operate a passenger stage corporation to transport passengers and their baggage between The Confluence (two miles south of Vallencito), Melones Camp on Highway 49, Parrotts Ferry Bridge on the Stanislaus River and Camp 9 Powerhouse on the Stanislaus River.

Applicants intend to use a 1959 International Bus with a seating capacity of 44 passengers and charge a fare of \$4.00 per person. The fare includes the transportation of rafts, kayaks and other boating equipment. Passengers may spend one or more days on the river and be transported by bus between the above points. The service will be performed in the morning and in the evening and a prior reservation is requested for the transportation.

Applicants allege that a survey of the Bureau of Land Management showed that more than 40,000 persons used the Stanislaus River for recreational purposes between Camp 9 and Melones Camp during 1974. Many of the people were transported by commercial outfitters, but the majority of the persons used private transportation, creating traffic congestion during the summer months. Applicants further allege that the vacationers at this river area now use private vehicles that carry an average of three persons in addition to the drivers and their equipment.

The application was listed on the Commission's Daily Calendar of July 9, 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 should be granted by ex parte order. No protest has been received.

The Commission finds that public convenience and necessity require that the passenger stage service proposed by the applicants be established. We also find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that a public hearing is not necessary and the application should be granted.

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 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:

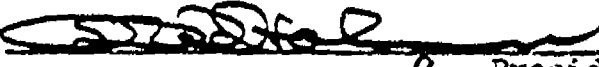
1. A Certificate of Public Convenience and Necessity is granted to William Royal, Ken Lewis, Dean Feerandini and Robert Kenyon, a partnership, doing business as The Confluence, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and subject to the conditions 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 five days after the effective date of this order on not less than five 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 92 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 shall be twenty days  
after the date hereof. San Francisco

Dated at \_\_\_\_\_, California, this 18<sup>th</sup>  
day of FEBRUARY, 1976.

  
President  
William Lyman  
Vernon L. Stiergen  
Alton  
Lowenthal  
Commissioners

TLR

Appendix A

WILLIAM ROYAL, KEN LEWIS,  
DEAN FEERANDINI AND ROBERT KENYON  
DBA  
THE CONFLUENCE

Original Title Page

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. 85458,  
dated FEB 18 1976, 1976, of the Public Utilities  
Commission of the State of California, in Application No. 55793.

Appendix A

WILLIAM ROYAL, KEN LEWIS,  
DEAN FEERANDINI AND ROBERT KENYON  
DBA  
THE CONFLUENCE

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GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS

William Royal, Ken Lewis, Dean Feerandini and Robert Kenyon, doing business as The Confluence, a partnership, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, are authorized to transport passengers and their rafts, kayaks and other boating equipment between The Confluence (located near Vallecito), Melones Camp on Highway 49, Parrotts Ferry Bridge and Camp 9 Powerhouse, located on or near the Stanislaus River, Calaveras County, over the routes most appropriate, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) Service shall be operated daily only during the months of April through September of each year.
- (b) Operations between October through March of each year shall be conducted on an "on-call" basis. The term "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.