

LSC/EN

Decision No. 85545

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
WILLIAM G. MELBERN, doing business)
under the name and style of AIRPORT)
LIMOUSINE SERVICE for transfer of)
its existing Passenger Stage Authority)
to MARIN AIRPORTER, a corporation;)
and MARIN AIRPORTER for authority to)
issue 920 shares of stock.)

Application No. 56239
(Filed January 29, 1976)

O P I N I O N

William G. Melbern, doing business as Airport Limousine Service, seeks authority to transfer his passenger stage certificate of public convenience and necessity and related assets to Marin Airporter, and the latter seeks authority to issue 920 shares of its no par common stock at \$10 per share.

William G. Melbern is engaged in the business of carrying passengers and their baggage between certain points in Marin County, on the one hand, and the San Francisco International Airport and the Downtown Airline Terminal Building in San Francisco, on the other hand, under the certificate of public convenience and necessity granted by Decision No. 79521, dated December 21, 1971, in Application No. 50808, as modified by Resolution No. PE-301, dated July 29, 1975. He desires to transfer such certificate, together with related assets to Marin Airporter, a California corporation incorporated on September 24, 1975.

Marin Airporter proposes to issue 920 shares of its no par value common stock at a stated value of \$10 per share to William G. Melbern and Albert N. Kraeber for \$6,000 equity in operating vehicles and cancellation of \$3,200 indebtedness incurred for working capital.

After consideration the Commission finds that:

1. The proposed transactions would not be adverse to the public interest.
2. The proposed stock issue is for proper purposes.
3. The money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, which purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings we conclude that the application should be granted. 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 William G. Melbern and the issuance of a certificate in appendix form to Marin Airporter.

Marin Airporter 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. The authorization granted shall not be construed as a finding of value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or after the effective date hereof and on or before June 30, 1976, William G. Melbern may sell and transfer the operative rights and property referred to in the application to Marin Airporter, a corporation.

2. Marin Airporter, on or after the effective date hereof and on or before June 30, 1976, may assume equipment obligations and, for the purposes specified in this proceeding, may issue not exceeding 920 shares of its no par value common stock at a stated value of \$10 per share as follows: 840 shares to William G. Melbern and 80 shares to Albert N. Kraeber.

3. Marin Airporter shall file with the Commission the report required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the transfer Marin Airporter shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

5. Marin Airporter 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.

6. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 5, a certificate of public convenience and necessity is granted to Marin Airporter, 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.

7. The certificate of public convenience and necessity granted by Decision No. 79521 as modified by Resolution No. PE-301 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 5.

8. Marin Airporter 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 the insurance requirements of the Commission's General Order No. 101-Series.

9. Marin Airporter 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.

10. This order shall become effective when Marin Airporter has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.

Dated at San Francisco, California, this 9th day of March, 1976.

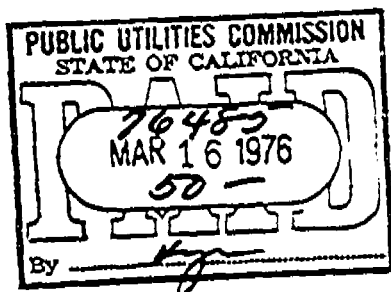
President
William J. Synovis

Thomas L. Stetler

John R. ...

Robert ...
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.



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. 85545,
dated MAR 9 -, 1976, of the Public Utilities
Commission of the State of California, on Application
No. 56239.

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Decision No. 85545, Application No. 56239.

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

Marin Airporter, a corporation, 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 the Greenbrae Lanes, 101 Sir Francis Drake Boulevard, Greenbrae; Denny's Restaurant, 7330 Redwood Highway, Novato; the Holiday Inn, Northgate Drive, San Rafael; and Monte Mar and Spencer Streets, Sausalito, on the one hand, and the San Francisco International Airport or the Downtown Airline Terminal Building, 375 O'Farrell Street, San Francisco, on the other hand, over and along the routes hereinafter described, subject to the authority of this Commission to change or modify said routes at any time and 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) The service to San Francisco International Airport shall be on an "on-call" basis for which a minimum of four (4) hours' notice is necessary.
- (d) No passenger(s) shall be picked up or discharged at any point intermediate thereto.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Via any and all routes between the Greenbrae Lanes, 101 Sir Francis Drake Boulevard, Greenbrae; Denny's Restaurant, 7330 Redwood Highway, Novato; the Holiday Inn, Northgate Drive, San Rafael, and Monte Mar and Spencer Streets, Sausalito, on the one hand, and the San Francisco International Airport, on the other hand.

Route 2. Via any and all routes between the Greenbrae Lanes, 101 Sir Francis Drake Boulevard, Greenbrae; Denny's Restaurant, 7330 Redwood Highway, Novato; the Holiday Inn, Northgate Drive, San Rafael, and Monte Mar and Spencer Streets, Sausalito, on the one hand, and the Downtown Airline Terminal Building, 375 O'Farrell Street, San Francisco, on the other hand.

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