

Decision No. 85571

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
 Charles Ray Hernandez and Joyce
 Ann Hernandez for certificate of
 public convenience and necessity to
 operate passenger and property service
 between Bishop, California and
 Mammoth Lakes, California.

Application No. 56094
 (Filed November 26, 1975)

O P I N I O N

By this application Charles Ray Hernandez and Joyce Ann Hernandez, dba The Outdoorsman, seek a certificate of public convenience and necessity to operate seasonal passenger stage and baggage services during the winter ski season each year, primarily to transport skiers and their equipment between the Bishop area and the ski lift area at Mammoth via US Route 395 and State Highway 203.

Applicants' principal place of business is in Bishop. Applicants propose to operate a completely restored 1-1/2 ton 1963 Ford 20 passenger bus equipped with a 1972 Lincoln Continental 460 cubic inch engine and automatic transmission in the service. As of March 31, 1975, applicants indicate a net worth of \$120,178.79. Depending on weather, road, and snow conditions, applicants propose the following schedule to be operative Thursday, Friday, Saturday, and Sunday, as well as during school holidays and vacations:

Depart:	Bishop 6:30 a.m.	Mammoth 4:30 p.m.
Arrive	Mammoth 8:00 a.m.	Bishop 6:00 p.m.

The proposed round-trip fare would be \$5.00 per person.

Other than the regular route north-south service on US Route 395 offered by Greyhound Lines, Inc., there are no other certificate holders operating between Bishop and Mammoth Lakes. By Commission Resolution PE-313 dated December 16, 1975, Greyhound was authorized to extend its through service so as to stop at Mammoth Lakes, three miles west of its former stop at Mammoth Lakes Junction. However, the Greyhound service is not timed conveniently for many skiers, whereas the proposed service would primarily accommodate skiers, particularly students in the Owens Valley schools.

Public transportation of this type during the skiing season would eliminate a number of private automobiles from the highway thus reducing air pollution and traffic congestion, as well as conserving gasoline. By direct drop off in front of the Mammoth Mountain ski lift it would materially help the parking problem at Mammoth.

The application was listed on the Commission's Daily Calendar of December 2, 1975. No objection to the granting of the application has been received. The staff has no objection to the certification of the applicants.

Findings

1. Public convenience and necessity require that applicants be authorized to engage in operation of passenger stage service between Bishop and its environs, and the Mammoth Mountain ski lift area.
2. Applicants possess appropriate equipment and financial resources to provide the proposed services.
3. The proposed fare is reasonable.
4. With reasonable certainty the project will not have a significant effect on the environment.
5. A public hearing is not necessary.

Conclusion

The application should be granted as set forth in the ensuing order. The effective date of this order should be the date on which it is signed because public convenience requires prompt commencement of the proposed service.

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 Charles Ray Hernandez and Joyce Ann Hernandez 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, and subject to the specific additional restrictions set forth in Appendix A attached to this decision.


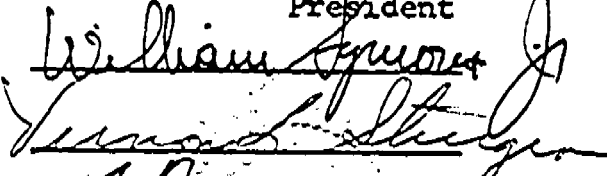
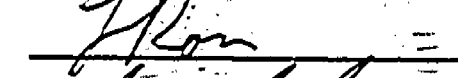

2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority. ✓

- (a) Within thirty days after the effective date of this order, applicants shall file 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 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 MARCH, 1976.


President



Commissioners

Appendix A

Charles Ray Hernandez
and
Joyce Ann Hernandez
doing business as
THE OUTDOORSMAN

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CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Charles Ray Hernandez and Joyce Ann Hernandez, doing business as The Outdoorsman, by the certificate of public convenience and necessity granted by the decision, are authorized as a passenger stage corporation to transport passengers, their baggage, and their ski equipment only between Bishop, points within two miles outside of the city limits of Bishop excluding the Bishop Municipal Airport and Round Valley located 12 miles northeast of Bishop, on the one hand, and Mammoth Mountain ski lifts, Mammoth Lakes, on the other hand, over and along the most convenient streets, roads, and highways, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provision:

Service herein authorized shall be limited to the transportation of round-trip passengers during the California winter ski season only.

Issued by California Public Utilities Commission.

Decision No. 85571, Application No. 56094.