

Decision No. 86012**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Mrs. Marguerite Etcheverry, an indi-
 vidual, dba THE SQUIRREL - REDWOODS
 BUS TOURS for the authority to acquire,
 and the application of Mrs. Peggy A.
 Radcliffe and Mrs. Marguerite Etcheverry,
 a Co-Partnership, dba THE SQUIRREL -
 REDWOODS BUS TOURS to Transfer a Certi-
 ficate of Public Convenience and Necessity
 as a Passenger Bus Sightseeing Service

Application No. 56466
 (Filed May 6, 1976)

O P I N I O N

By Decision 83235 in Application 54923, Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, doing business as the Squirrel - Redwoods Bus Tours, were issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC 948) providing sight-seeing service from Hartsook Inn, Benbow Inn, Richardson Grove State Park and Garberville to various scenic points of interest along or near U.S. Highway 101 northerly to Fernbridge.

By this application Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, dba The Squirrel - Redwoods Bus Tours, herein-after referred to as the transferor request authority to transfer their certificate of public convenience and necessity to Mrs. Marguerite Etcheverry, dba The Squirrel - Redwoods Bus Tours, herein-after referred to as the transferee.

Mrs. Peggy A. Radcliffe, one of the partners in The Squirrel - Redwoods Bus Tours declares that:

"...It is with regret that I must withdraw as a co-partner in the operations of the business. Family and personal matters have demanded my utmost energy attention and I do not feel I can devote the personal energy to the business any longer."

The transferee avers that:

"I have been involved with the tour bus THE SQUIRREL as co-partner for the past two years, and am well versed on the intricacies of operating a business such as this. It is my feeling that the work of the past two years is just now coming to blossom. Tourism is a major industry in Humboldt County, and I feel more than willing to devote the time and energy necessary to making the tourists' stay in this area more enjoyable. The continued operation of THE SQUIRREL is a task I wish to undertake."

The transferors and transferee verify that there is no purchase price in the transaction.

The application was listed on the Commission's Daily Calendar of May 7, 1976. 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.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary and the application should be granted. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours, and the issuance of a certificate in appendix form to Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours.

Transferee 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 holders a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled 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. On or before September 4, 1976, Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours may transfer the operative rights referred to in the application to Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours.

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

3. Transferee 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 she has adopted or established, as her own, the rates and rules. 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filings of tariffs and timetables set forth in the Commission's General Orders 79-Series and 98-Series. Failure to comply with the provisions of General Orders 79-Series and 98-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in Paragraph 1 is completed, effective concurrently with the effective date of the tariff filing required by Paragraph 3, a certificate of public convenience and necessity is granted to Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours authorizing her 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, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decisions 33235 and 33799 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Transferee shall comply with the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order No. 93-Series, and insurance requirements of the Commission's General Order No. 101-Series.

7. Transferee shall maintain her 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 her 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 29th
day of JUNE, 1976.

President
William J. Lyons

Leonard R. Rosen

Robert B. McNeill
Commissioners

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

VVB

Appendix A

Mrs. Marguerite Etcheverry
Doing Business As
THE SQUIRREL - REDWOODS' BUS TOURS

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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. 86012, dated JUNE 29, 1976
of the Public Utilities Commission of the State of California, in
Application No. 56466.

Appendix A

Mrs. Marguerite Etcheverry
Doing Business As
THE SQUIRREL - REDWOODS BUS TOURS

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Mrs. Peggy A. Radcliffe and Mrs. Marguerite Etcheverry, a co-partnership, doing business as The Squirrel - Redwoods Bus Tours or their predecessors.

Mrs. Marguerite Etcheverry, doing business as The Squirrel - Redwoods Bus Tours, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation, to transport passengers for sight-seeing purposes between Hartsook Inn, Benbow Inn, Richardson Grove State Park, and Garberville, and various scenic points of interest in Humboldt County over the routes hereinafter described subject to the following provisions:

1. All service herein authorized shall be limited to the transportation of round-trip passengers only, originating and terminating at the Hartsook Inn, Benbow Inn, Richardson Grove State Park or Garberville.
2. Service on Route 1 shall be operated triweekly during the months of June through September of each year.
3. Service on Route 2 to be operated on Saturdays during the months of June through September of each year.

Issued by the California Public Utilities Commission.

Decision No. 86012, Application No. 56466.

Appendix A

Mrs. Marguerite Etcheverry
Doing Business As
THE SQUIRREL - REDWOODS BUS TOURS

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Commencing at the Hartsook Inn, in Humboldt County, thence along U.S. Highway 101 to Richardson Grove State Park, Benbow Inn and Garberville, thence via Redwood Drive through Redway, U.S. Highway 101; the Avenue of the Giants and U.S. Highway 101 to Scotia; returning via U.S. Highway 101 and Bull Creek Road to Rockefeller Grove and U.S. Highway 101 to the point of beginning.

Route 2. Commencing at the Hartsook Inn, in Humboldt County, thence along U.S. Highway 101 to Richardson Grove State Park, Benbow Inn and Garberville; thence via Redwood Drive through Redway, U.S. Highway 101, the Avenue of the Giants, U.S. Highway 101 to Rio Dell; thence via Blue Slide Road and Grizzly Bluff Road to Ferndale. Returning via State Highway 1 through Fernbridge, U.S. Highway 101, Redwood Highway, Bull Creek Road to Rockefeller Grove; thence via Bull Creek Road and U.S. Highway 101 to the point of beginning.

Issued by California Public Utilities Commission.

Decision No. 86012, Application No. 56466.