

JUN 9 1988

Decision 88 06 019 JUN 8 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 David C. McCoy, dba McCoy's Charter)
 Service, for a certificate of public)
 convenience and necessity to operate)
 a passenger stage between Fresno and)
 Yosemite National Park, servicing)
 Bass Lake as an off-route point,)
 pursuant to the provisions of)
 Section 1031, et seq., of the Public)
 Utilities Code.)

Application 87-11-024
 (Filed November 19, 1987)

OPINION

David C. McCoy, an individual doing business as McCoy's Charter Service, seeks authority under Public Utilities (PU) Code Section 1031 to operate as a passenger stage corporation, as defined in PU Code Section 226, between Fresno and Yosemite National Park. More particularly, McCoy seeks the issuance of a certificate of public convenience and necessity to operate over the following route:

"From Fresno over California Hwy 41 to Yosemite National Park, serving the off-route point of Bass Lake, with return over the same route, and serving all intermediate points."

The application states that McCoy currently holds Commission authority to operate as a charter party carrier of passengers. Additionally, he holds authority from the Interstate Commerce Commission (ICC) to conduct charter and special operations nationwide, and to operate as a common carrier between Fresno and Yosemite National Park. The common carrier certificate, granted to McCoy in the ICC's docket number MC-164986 (Sub 1), authorizes essentially the same service as that requested in this application. It specifies that McCoy may:

"...operate as a common carrier, by motor vehicle, in intrastate, interstate or foreign

commerce, over a regular route, transporting passengers, between Fresno, CA, and Yosemite National Park, CA, over California Hwy 41, and return over the same route, serving Bass Lake, CA, as an off-route point and serving all intermediate points."

The ICC certificate includes a condition that intrastate transportation service may be provided only if the carrier provides regularly scheduled interstate transportation on the route.

According to the application, McCoy is now conducting the involved service pursuant to the ICC certificate, but not all interested parties have recognized that certificate as a valid basis for such operations. McCoy alleges that his is the only service on this route, offering intrastate, interstate and foreign transportation to the traveling public, and that continuation of such service, whether under authority of this Commission, the ICC, or both, is in the public interest.

McCoy will operate two daily round-trip schedules, with morning and afternoon departures from both Yosemite National Park and Fresno, Monday through Friday. He will use two of the vehicles described in an equipment list attached to the application. McCoy expects to use most frequently a 1967 GMC bus with a seating capacity of 41 and one of two 1972 MCI 7 buses each with a seating capacity of 47. All of the buses have been inspected and approved by the California Highway Patrol.

A financial statement attached to the application shows that as of August 14, 1987 McCoy had assets of \$810,200 and liabilities of \$103,000. McCoy states further that although initial operations under the ICC certificate have not been profitable due to low ridership, an expected increase in patronage will result in a profitable operation.

The proposed operation will assertedly have no substantial or significant impact on the environment. It is noted

that the service will benefit the environment by offering a substitute for private automobile transportation.

Notice of filing of the application appeared in the Daily Transportation Calendar dated November 24, 1987. Additionally, copies of the application were served on city and county governmental agencies in accordance with the Rules of Practice and Procedure. No protests have been received, and a public hearing is not necessary.

Transportation Division staff has reviewed the application. It recommends the application be granted ex parte in the absence of a protest.

Findings of Fact

1. McCoy has Commission authority to operate as a charter party carrier of passengers.
2. McCoy has ICC authority to conduct nationwide charter and special operations.
3. McCoy has ICC authority to conduct common carrier passenger operations, by motor vehicle, in intrastate, interstate or foreign commerce between the same points and over the same route involved in this application.
4. McCoy is now conducting operations as proposed in this application in accordance with the ICC common carrier authority.
5. Public convenience and necessity require that the intrastate service be continued under authority of this Commission.
6. McCoy has the ability and financial resources to perform the service.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The application should be granted as set forth in the order. Since there are no protests, and operations are now being

conducted pursuant to ICC authority, the order should become effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to David C. McCoy, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the route set forth in Appendix PSC-1453, to transport persons, baggage, and/or express.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in his tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. Prior to initiating service to any airport, applicant shall notify the airport authority involved. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.
This order is effective today.

Dated June 8, 1988, at Carson, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weisler, Executive Director

T/ELB/bcy

APPENDIX PSC-1453

DAVID C. McCOY

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

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 88-06-019, dated
JUN 8 1988 of the Public Utilities Commission of the State
of California in Application 87-11-024.

T/ELB/bcy

APPENDIX PSC-1453

DAVID C. McCOY

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Issued by California Public Utilities Commission.
Decision 88 06 019 , Application 87-11-024.

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

David C. McCoy, by certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport express, passengers and baggage between Fresno and Yosemite National Park and intermediate points, over and along the routes described, to and from the areas described, subject, however, to the authority of this Commission to change or modify these 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. No passengers shall be transported except those having point of origin or destination at authorized service points as set forth in the route descriptions.
- d. Pines Village, Bass Lake may be served as an on call point.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Fresno - Yosemite

Commencing with a service point at 1819 Olive Street, Fresno, then via the most appropriate streets and highways, to the following service locations:

1011 Broadway Street (Greyhound Bus Depot), Fresno
2233 Ventura Street (Center Plaza Holiday Inn), Fresno
5090 E. Clinton Avenue (Airport Holiday Inn), Fresno
O'Neal's Junction (State Highways 1 and 41)
Coarsegold Inn, State Highway 41, Coarsegold
Gateway Inn Best Western, State Highway 41, Oakhurst
Pines Village, Bass Lake
Fish Camp, State Highway 41
Yosemite Village Lodge, Yosemite National Park

3. Prior to initiating service to any airport, applicant shall notify the airport authority involved. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.
This order is effective today.

Dated JUN 8 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHEANIAN
Commissioners