

ALJ/WRI/tcg

Decision 90 09 022 · SEP 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
William C. Trader, doing business as
Overland Stage Line to transfer a
Certificate of Public Convenience and
Necessity to Bay City Stage Line, Inc.,
to acquire, pursuant to Section 1031
et seq of the California Public
Utilities Code.

ORIGINAL

Application 90-06-047
(Filed June 20, 1990)

O P I N I O N

William C. Trader (transferor), an individual, doing business as Overland Stage Line, and Bay City Stage Line, Inc. (transferee), a California corporation, request authority to transfer a certificate of public convenience and necessity authorizing operations as a passenger stage corporation from transferor to transferee.

Certificate PSC-1049 was issued to transferor in Application (A.) 57920, dated August 8, 1978. It authorizes transferor to conduct operations as a passenger stage corporation between San Jose and Milpitas, on the one hand, and the United Airlines Maintenance Operations Center at San Francisco International Airport, on the other hand.

Transferee is a California corporation with its principal place of business in San Jose. A certified copy of its Articles of Incorporation is attached to the application. Transferor is the owner of all of the shares of outstanding stock in transferee. It is transferee's desire to continue transferor's operations as a passenger stage corporation by acquiring transferor's certificate and assets. Transferor wishes to discontinue operations as an individual and operate as a corporation.

A balance sheet accompanying the application shows that applicant had total assets as of May 14, 1990 of \$15,000 and no liabilities.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar of June 27, 1990, and no protests have been received. Transportation Division (TD) recommends that, in the absence of protest, the request to transfer operating authority should be granted by ex parte order.

The application also requests authority to increase fares to \$21.00 per 5-ride ticket, but no required data or justification for the increase is presented. We will adopt TD's recommendation that the proposed fare increase be denied without prejudice to applicant's making a proper application.

Findings of Fact

1. Transferor is operating as a passenger stage corporation pursuant to certificate of public convenience and necessity number PSC-1049.
2. Transferor is sole shareholder of transferee, a California corporation.
3. Applicants have not proposed any change in the operations or schedules of transferor in connection with the transfer.
4. Transferee has the financial resources and the experience necessary to perform the proposed operations.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.
2. Since the transferee is already incorporated and this matter is noncontroversial, the order should be made 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.

O R D E R

IT IS ORDERED that:

1. By October 1, 1990, William C. Trader may transfer the operative rights and property specified in the application to Bay City Stage Line, Inc. (purchaser).

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.

3. If the transfer is completed, on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Bay City Stage Line, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix FSC-728, to transport passengers and baggage.

4. Before beginning service to any airport, transferee shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

5. The certificate of public convenience and necessity granted in A.57920 is revoked on the effective date of the tariffs.

6. Transferee shall assess fares no higher than those presently named in the tariff of transferor until such time as increases in such fares may be authorized by the Commission.

This order is effective today.

Dated SEP 12 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
PATRICIA M. ECKERT
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY
[Signature]
NEEL
AB

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-728

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.

Supersedes authority heretofore granted to
William C. Trader, dba Overland Stage Line
by D.89213

Issued under authority of Decision 90 09 022,
dated SEP 12 1990, of the Public Utilities Commission
of the State of California in Application 90-06-047.

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**SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.**

This certificate supersedes all operative authority granted to William C. Trader.

Bay City Stage Line, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport only home-to-work passengers and their baggage between United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and points hereinafter described in Sections II and III, on the other hand, subject, however, to the authority of this Commission to change or modify the route or service areas at any time and subject to the following provisions:

- a. When route description is given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. Service will be operated only at the designated service points and service areas listed in Sections II and III.
- c. Service shall be operated on a scheduled basis. Such schedules shall be the timetable filed with the Commission.
- d. Home-to-work passengers means persons who are transported from their home locations to their work locations and or vice versa.

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SECTION II. SERVICE AREAS.

United Airlines Maintenance Operations Center
at San Francisco International Airport

San Jose and Milpitas at the designated bus
stops described in Section III

SECTION III. ROUTE DESCRIPTION.

ROUTE 1: San Jose/Milpitas - United Airlines Maintenance
Operations Center

Commencing from the following points:

SAN JOSE

1. McKee and Capital Expressway
2. Berryessa and Capital Expressway
3. Hostetter and Morrill
4. Capewood Land and Morrill

MILPITAS

5. S. Park Victoria and Landers
6. S. Park Victoria and Yosemite
7. S. Park Victoria and Calaveras
8. Calaveras and Butler

Then proceeding along the most appropriate streets and
highways to United Airlines Maintenance Operations Center, at San
Francisco International Airport.

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