

Decision 91-05-011 May 8, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PETER LAWRENCE HEINE, DBA MENDOCINO)
STAGE, to Transfer to EARNEST ALVIN)
BORCHERS, the Passenger Stage)
Corporation Business Currently)
Operated by PETER LAWRENCE HEINE)
Under Authority of Decision No.)
91602.)

ORIGINAL

Application 90-12-013
(Filed December 3, 1990)

OPINION

Peter Lawrence Heine (Heine), doing business as Mendocino Stage, and Earnest Alvin Borchers (Borchers) seek authority to transfer the passenger stage corporation business currently being operated by Heine between certain points in Mendocino County.

On February 19, 1991, the Transportation Division filed the following in its Advice of Participation memorandum:

"Peter Lawrence Heine requests to transfer his passenger stage authority, PSC-975, to Earnest Alvin Borchers. Heine will transfer the assets and liabilities connected with the passenger stage business including two fifteen passenger vans. The authority provides daily service between Fort Bragg and Little River Airport and points intermediate thereto, between Fort Bragg and Heritage House, between Little River and Heritage House, and express shipments weighing less than fifty pounds between Fort Bragg, on the one hand, and Mendocino, Little River, Little River Airport, and Heritage House, on the other hand as specified in Decision 91602 in Application 59449, amended by D.87153, A.55954.

"Staff recommends that in the absence of protest, the transfer application be granted by ex parte order."

Findings of Fact

1. Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on December 11, 1990. There are no protests. A public hearing is not necessary in this matter.

2. Heine received a certificate of public convenience and necessity (PSC-975) to operate as a passenger stage corporation in Decision (D.) 91602 in Application (A.) 59449, amended by D.87153 in A.55954. He is authorized to operate between certain points in Mendocino County.

3. Borchers currently operates a local delivery business in partnership with Heine, subject to Commission jurisdiction.

4. The property involved in the transfer includes all of the assets and liabilities of Heine utilized or acquired by Heine in connection with his passenger stage corporation business.

5. The transfer shall not affect the territory or points currently served, or the nature of the service, which shall continue as authorized by the Commission.

6. Borchers has the ability, including financial ability, to continue to operate under the passenger stage operating authority here under consideration.

7. The proposed sale and transfer of the passenger stage operating authority from Heine to Borchers is not adverse to the public interest.

8. Because the ensuing decision will benefit the traveling public by providing for continuance of needed service, it should be made effective today.

Conclusion of Law

The application should be granted.

This authorization is not a finding of the value of the rights and properties over which control is being acquired.

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 features of these rights at any time.

ORDER

IT IS ORDERED that:

1. On or before July 31, 1991, Peter Lawrence Heine (Heine) may sell and transfer the operative rights and assets specified in the application to Earnest Alvin Borchers (Borchers):

2. Borchers 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 Heine'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 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 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 Borchers, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-7021, to transport persons and baggage.

4. The certificate of public convenience and necessity granted by D.91602 and D.87153 is revoked on the effective date of the tariffs.

This order is effective today.

Dated May 8, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. ROHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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

NEAL J. SHULMAN, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7021

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
Peter Lawrence Heine, an individual
by D.91602 and 87153

Issued under authority of Decision 91-05-011
dated May 8, 1991, of the Public Utilities Commission
of the State of California in Application 90-12-013.

I N D E X

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. ROUTE DESCRIPTIONS	3

Issued by California Public Utilities Commission.

Decision 91-05-011, Application 90-12-013.

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

This certificate supersedes all passenger stage operative authority granted to Peter Lawrence Heine.

Earnest Alvin Borchers, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage and express shipments weighing less than fifty (50) pounds between Fort Bragg and Heritage House including Mendocino County Airport and points intermediate thereto, and between Fort Bragg and Westport and points intermediate thereto over and along the route hereinafter described, subject to the authority of this Commission to change or modify at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. Service will be operated daily.

Issued by California Public Utilities Commission.

Decision 91-05-011, Application 90-12-013.

SECTION II. ROUTE DESCRIPTIONS.

Route 1 - Fort Bragg/Heritage House - Little River

Commencing from Fort Bragg then on and along State Highway 1, to Harbor Light Motel in Noyo, Caspar, Mendocino Hotel, Mendocino, Little River Inn, Little River, Airport Road to "The Woods", Mendocino County Airport, Airport Road, State Highway 1 and to Heritage House.

Route 2 - Fort Bragg/Westport

Commencing from Fort Bragg, then on and along State Highway 1 to Westport and points intermediate thereto.

Issued by California Public Utilities Commission.

Decision 91-05-011, Application 90-12-013.