

ORIGINAL

Decision No. 86524

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CARMEL VALLEY TRANSIT CORPORATION)	
For a certificate of public convenience)	
and necessity to operate a passenger)	
express service between Carmel Valley)	Application No. 56656
Village, Carmel Valley, California and)	(Filed July 30, 1976)
Del Monte Shopping Center, Monterey,)	
California)	

OPINION

By this application the Carmel Valley Transit Corporation seeks authority to operate a passenger stage service between Carmel Valley Village and the Del Monte Shopping Center in Monterey, a distance of approximately 17 miles, serving intermediate points including the City of Carmel.

The application alleges that there is no other passenger stage service rendered by any carrier over the entire route although Monterey Peninsula Transit does operate between the Del Monte Shopping Center, Carmel, and Carmel Rancho, a distance of about 5 miles along the 17 mile route. The applicant proposes a restriction to protect the Monterey Peninsula Transit in this area.

Carmel Valley Transit Corporation is a California corporation. It proposes to operate a 1976 twelve passenger Ford Club Wagon on the route. The corporation's assets consists of \$10,000 cash. The owner of the corporation plans to drive the bus himself and render 6 trips in each direction 7 days per week.

The application was noticed on the Commission's Daily Calendar for July 30, 1976. Copies were sent to all carriers who might possibly have an interest. No protests have been received except a conditional protest from Monterey Peninsula Transit (MPT). MPT is a Joint Powers Agency created by the cities of Monterey, Carmel, Pacific Grove, Seaside and Del Rey Oaks and the

County of Monterey to provide transit service on the Monterey Peninsula. Since it is a public body it is not regulated by this Commission. MPT states that although it does not now provide service up the Valley to Carmel Valley Village, such service is in the approved Monterey County Transportation Plan and will probably be inaugurated in the next fiscal year. MPT asks that the requested certificate be conditioned upon a stipulation by the applicant that it will not protest or raise any objections to MPT's extending its service to Carmel Valley Village in the future. By letter dated August 13, 1976 addressed to MPT, the applicant's attorney agreed to this stipulation.

Findings

1. Applicant has the ability, including financial ability, to provide the proposed service.
2. No other passenger stage corporations provide the proposed service to Carmel Valley Village.
3. The applicant should be required to file a stipulation that it will not protest or otherwise object to the inauguration of competing service by the Monterey Peninsula Transit.
4. Public convenience and necessity require the proposed service.
5. It can be seen that there is no possibility that the activity in question will have a significant effect on the environment.

Conclusion

The application should be granted as provided in the order which follows.

Carmel Valley Transit Corporation 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

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Carmel Valley Transit Corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, for passengers, their baggage and express between Carmel Valley Village and the Del Monte Shopping Center in Monterey, serving intermediate points and over the routes set forth in Appendix A of this decision.
2. As a condition precedent to the issuance of the certificate granted in paragraph 1 of this order, the applicant shall, within thirty days after the effective date of this order, file with the Commission, with copies to MPT, its consent now and for the future to MPT's establishing service competitive with service to be offered under the authority pursuant to this certificate.
3. In providing service pursuant to the authority granted by this order, applicant 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, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it 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, applicant 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 ten days after the effective date of this order on not less than ten 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) Applicant shall maintain its 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 its 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 19th day of OCTOBER, 1976.

[Signature]
President

William J. Lyons, Jr.

[Signature]

[Signature]
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Carmel Valley Transit Corporation, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport passengers their baggage and express between Carmel Valley Village and Del Monte Shopping Center in Monterey, serving intermediate points, over a route beginning at Carmel Valley Village, thence along Carmel Valley Road, Carmel Rancho Boulevard, Rio Road, 13th Avenue, San Carlos Street, Carmel, Camino Del Monte, Serra Avenue, California Highway 1, Munras Avenue to the Del Monte Shopping Center, Monterey, and returning over the same route, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provision:

No passenger shall be transported whose origin and destination are both between Del Monte Shopping Center and Carmel Rancho Shopping Center, both points inclusive.

Issued by California Public Utilities Commission.

Decision No. 86524, Application No. 56656.