

VP

Decision No. 86655

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the)	
Application of PATRICK D. LININGTON)	
dba CARMEL MOTORING COMPANY,)	
Transferor,)	
and)	Application No. 56624
CARMEL MOTORING COMPANY, a California)	(Filed July 16, 1976)
corporation)	
Transferee)	
for authorization to Transfer)	
Certificate of Passenger Stage)	
Service)	

O P I N I O N

Patrick D. Linington, doing business as Carmel Motoring Company, seeks authority to transfer his Certificate of Public Convenience and Necessity to operate as a passenger stage corporation to Carmel Motoring Company, a California corporation. The corporation is authorized to issue 100,000 shares without par value.

Patrick D. Linington is authorized to transport passengers for sightseeing purposes between Carmel and points within Carmel and its immediate vicinity, 17-Mile Drive and Point Lobo's under a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted by Decision 85578, dated March 16, 1976, in Application 56243.

The application indicates that subsequent to the issuance of the Certificate of Public Convenience and Necessity, Patrick D. Linington incorporated his business by filing Articles of Incorporation with the office of the Secretary of State of the State of California. Patrick D. Linington will be the majority stockholder, owning 91% of the shares of the corporation.

The application was listed on the Commission's Daily Calendar of July 20, 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. No protest or request for hearing has been received. A public hearing is not necessary.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Patrick D. Linington, doing business as Carmel Motoring Company, and the issuance of a certificate in appendix form to Carmel Motoring Company, a corporation.

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 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.

O R D E R

IT IS ORDERED that:

1. On or before April 1, 1977, Patrick D. Linington, doing business as Carmel Motoring Company, may transfer the operative rights referred to in the application to the transferee, Carmel Motoring Company, a corporation.

2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and an 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 it has adopted or established, as its 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders 79-and 98-Series. Failure to comply with the provisions of General Orders 79- 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 filings required by Paragraph 3, a Certificate of Public Convenience and Necessity is granted to Carmel Motoring Company, a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted by Decision 85578 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Transferee shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order 98-Series, and insurance requirements of the Commission's General Order 101-Series.

7. Transferee 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.

A. 56624 - VP

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1976.

[Signature]
President
William J. Lyons
Yarnell D. Sturgeon
[Signature]
Robert Bateman
Commissioners

VP

Appendix A

CARMEL MOTORING COMPANY
(a corporation)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A
PASSENGER STAGE CORPORATION

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. 86655 dated NOV 23, 1976,
of the Public Utilities Commission of the State of California, in
Application No. 56624.

VP

Appendix A

CARMEL MOTORING COMPANY
(a corporation)

Original Page 1

INDEX

	<u>Page No.</u>	
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS LIMITATIONS AND SPECIFICATIONS	2	
SECTION 2. ROUTE DESCRIPTIONS		
<u>Route</u>	<u>Route Name</u>	
1	Carmel Tour	3
2	Carmel/17-Mile Drive Tour	3
3	Carmel/Point Lobos Tour	4

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

The Certificate hereinafter noted supersedes all operative authority heretofore granted to Patrick D. Linington, doing business as Carmel Motoring Company.

Carmel Motoring Company, a corporation, 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 sightseeing purposes, commencing and terminating within the City of Carmel, to various points of interest within the City of Carmel and its immediate vicinity, 17-Mile Drive and Point Lobos over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes 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) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (c) Passengers shall be picked up and discharged only at the Harrison Memorial Library and the La Playa Hotel within the City of Carmel.

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1 - Carmel Tour

Commencing at the Harrison Memorial Library, located at Lincoln Street and 6th Avenue in Carmel, thence over the most appropriate route to the La Playa Hotel, located at Camino Real and 8th Avenue in Carmel, thence over the most appropriate and scenic route within the City of Carmel and its immediate vicinity to the Carmel Mission, thence return by the most appropriate and scenic route within the City of Carmel and its immediate vicinity to the Harrison Memorial Library and the La Playa Hotel.

Route No. 2 - Carmel/17-Mile Drive Tour

Commencing with and including the Carmel Tour as described in Route No. 1, thence over the most appropriate and scenic route within the City of Carmel to the Carmel Gate, thence over the most appropriate and scenic route within the 17-Mile Drive area, thence return through the Carmel Gate over the most appropriate and scenic route within the City of Carmel to the Harrison Memorial Library and the La Playa Hotel.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route No. 3 - Carmel/Point Lobos Tour

Commencing with and including the Carmel Tour as described in Route No. 1, thence over the most appropriate and scenic route within the City of Carmel and its immediate vicinity to Rio Road, thence via Rio Road and Highway 1 to Point Lobos State Reserve, thence return via Highway 1 and Rio Road to the City of Carmel, thence via the most appropriate and scenic route within Carmel and its immediate vicinity to the Harrison Memorial Library and the La Playa Hotel.