

Decision No. 86963

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

LAS VEGAS-TONOPAH-RENO STAGE LINE,)
INC., a corporation, for a certifi-)
cate of public convenience and neces-)
sity authorizing certain additional)
routes and alterante routes as a pas-)
senger stage service between Los)
Angeles, Bakersfield, Barstow, Baker,)
Death Valley Junction, Mojave, Lone)
Pine, Olancha and Ryan, on the one)
hand, and, on the other, Death Valley)
National Monument, pursuant to Sec-)
tions 1031-1036 of the California)
Public Utilities Code.)

Application No. 52264

SUPPLEMENTAL OPINION AND ORDER

By Decision 77458 in Application 51850, Las Vegas-Tonopah-Reno Stage Line, Inc., (Las Vegas) was authorized to acquire the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation from Alfred L. Riddle, doing business as Riddle Scenic Tours. The latter provided transportation service to Death Valley National Monument with seven passenger vehicles.

Las Vegas, by a Petition for Modification filed August 16, 1976, seeks to modify the portion of its Certificate described in Appendix A, Section 1 on Original Page 2, subparagraph (e), that states:

"Applicant shall not be obligated to perform service for fewer than four adult passengers to or from Death Valley National Monument."

It is requested that Subparagraph (e) be modified to read as follows:

"Applicant shall not be obligated to perform service for fewer than twenty adult passengers to or from Death Valley National Monument."

Petitioner alleges that the above modification is necessary as it has retired all of the seven-passenger vehicles from its service and is now using buses for its operations.

The operating costs of the buses are in excess of ninety cents (90¢) per mile. Petitioner contends that the minimum number of passengers to justify its operations on a compensatory and fuel efficiency basis is twenty.

The Petition for Modification was listed in the Commission's Daily Calendar on August 18, 1976. The Commission's Transportation Division staff has reviewed the Petition and recommends that in the absence of protest or request for public hearing it be granted by ex parte order.

No protest has been received.

After consideration, the Commission finds that the proposed modification would not be adverse to the public interest.

Las Vegas-Tonopah-Reno Stage Line, Inc., 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.

IT IS ORDERED that:

1. Subparagraph (e) under Section 1 of Appendix A is amended to read as follows:

"Applicant shall not be obligated to perform service for fewer than twenty adult passengers to or from Death Valley National Monument."

2. Appendix A of Decision 77458, as heretofore amended, is further amended, by incorporating Second Revised Page 2, attached hereto, in revision of First Revised Page 2.

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 98-Series, and the insurance requirements of the Commission's General Order 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 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 15th day of FEBRUARY, 1977.

Robert Bahuaud
President

William Synow-Jr.

[Signature]

[Signature]
Commissioners

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

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

The certificate hereinafter noted supersedes all operating authority heretofore granted to Alfred L. Riddle, doing business as Riddle Scenic Tours and all authority heretofore granted to Las Vegas-Tonopah-Reno Stage Line, Inc.

Las Vegas-Tonopah-Reno Stage Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct a passenger stage service for the transportation of passengers and their baggage between Los Angeles, Bakersfield, Barstow, Baker, Death Valley Junction, Mojave, Olancho, Trona, Lone Pine and Ryan, on the one hand, and the Death Valley National Monument, on the other hand; between Tahoe City and the California-Nevada State Line; and between Tahoe City and Truckee, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersection 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) Specific points of pick up and discharge shall be named in applicant's tariff. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) Regular service to and from Death Valley National Monument shall be provided during the period from November 1 to April 30 of the following year.
- *(e) Applicant shall not be obligated to perform service for fewer than twenty adult passengers to or from Death Valley National Monument.
- (f) The conditions under which "on call" service is to be rendered shall be shown in applicant's tariff and timetable.
- (g) Shipments of express shall be allowed on the Tahoe City routes in passenger carrying vehicles only.

Issued by California Public Utilities Commission.

*Amended by Decision No. 86963, Application No. 52264.