

ORIGINAL

Decision No. ~~87059~~

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
RICHARD GOODRIDGE, ILSE GOODRIDGE,)
JOHN WILLIAMS and RONI WILLIAMS,)
doing business as B & H Transporta-)
tion, for a passenger stage)
certificate authorizing transporta-)
tion of passengers and their baggage)
between certain designated points)
within the State of California.)

Application No. 56713
(Filed August 26, 1976)

Robert H. Heeb, Attorney at Law,
for applicants.
Richard M. Hammon, Attorney at
Law, for Greyhound Lines, Inc.,
protestant.
Jerry H. Shiu, for the Commission
staff.

O P I N I O N

Applicants Richard Goodridge, Ilse Goodridge, John Williams, and Roni Williams, copartners doing business as B & H Transportation (B & H) request a certificate as a passenger stage corporation to conduct round-trip tours from Fort Bragg, Willits, and Ukiah to various points of interest and arenas where sporting and other events are scheduled.

Public hearing was held at Fort Bragg before Examiner O'Leary on November 17, 1976 at which time the matter was submitted.

The application was amended at the hearing through the introduction of Exhibit 1 which sets forth six specific tours for which authority is sought and the round-trip fare for each is as follows:

<u>Tour No.</u>	<u>Destination</u>	<u>Round-trip Fare</u>
1	Candlestick Park, San Francisco	\$12.00
2	Cow Palace, Daly City	12.00
3	Oakland Coliseum, Oakland	12.00
4	Harrahs Parking Lot, South Lake Tahoe	20.00
5	Marriot's Great America, Santa Clara	13.50
6	Marine World, San Carlos	12.50

All tours will originate at applicants' terminal in Fort Bragg with stops at Willits and Ukiah to pick up passengers in those communities desiring to use applicants' proposed service in the event there is not enough patronage from the Fort Bragg area. All tours are subject to a minimum patronage of thirty persons.

In providing this service applicants will procure admission tickets to the events scheduled at Candlestick Park, the Cow Palace, and the Oakland Coliseum on the dates the tours operate. The admission tickets will be available to applicants' customers. The cost of the admission tickets will be in addition to the fares for the transportation. In connection with the tours to Marine World and Marriot's Great America, admission to the facilities will be available from applicants to the customers. In arranging the tours to South Lake Tahoe which are of a two-day duration, applicants arrange for motel accommodations and premium packets which are distributed to tour groups frequenting the casinos located on the Nevada side of the state line in the South Lake Tahoe area. The fee for the premium packets, if any, and the motel accommodations will be in addition to the fare for transportation service.

Applicants hold authority as a passenger stage corporation between Fort Bragg and Willits pursuant to authority granted by Decision No. 85229

Effective February 25, 1976, a Class B certificate to operate as a charter-party carrier of passengers was granted to the applicants authorizing operations from a 40-air mile radius of Fort Bragg to any point in California. That certificate expired July 9, 1976 and was reissued effective July 9, 1976 to expire July 9, 1977 to John C. Williams, Jr. and Richard T. Goodridge doing business as B & H.

The Class B certificate was acquired through an authorized transfer from Dwight I. Spurgeon. The authority granted to Dwight I. Spurgeon authorized operations from a 16-air mile radius of Fort Bragg to points within a 300-mile radius of Fort Bragg. On October 29, 1976 the Class B certificate issued to John C. Williams, Jr., and Richard T. Goodridge was amended authorizing operations only from points within a 16-mile radius of Fort Bragg to points within a 300-mile radius of Fort Bragg.

When applicants first obtained the Class B certificate, they attempted to arrange charters on a per capita basis themselves without much success. Subsequently they commenced advertising their service and business almost doubled. As a result they purchased a large bus capable of carrying 41 passengers, which is the bus they intend to utilize in the proposed service. Approximately September 1, 1976 applicants were advised by the Commission staff that they could not advertise a per capita service as a Class B certificate does not authorize service on an individual fare basis. As a result the instant application was filed.

Exhibit 18 is a balance sheet of applicants as of March 3, 1976 which discloses assets totaling \$61,502 offset by liabilities of \$48,287 and a resultant net worth of \$13,215.

A member of the Mendocino Coast Chamber of Commerce testified that at a regular meeting it took a stand of support of the instant application. Three persons who utilized applicants' service on trips to Lake Tahoe and to San Francisco Bay Area points testified that they were retired and the tours which they had taken were very enjoyable. They further testified that they did not wish to drive automobiles outside the immediate vicinity of Fort Bragg. They also testified that they would not be able to take the trips if the service was discontinued. Two other persons testified in support of the application; however, their testimony pertained to applicants' charter operations and was not pertinent to the instant application.

The application is protested by Greyhound Lines, Inc. (Greyhound) which operates both as a passenger stage corporation and charter-party carrier throughout the State of California.

Greyhound has terminals at San Francisco and Santa Rosa from which it conducts special operations similar to those proposed by applicants. It also has equipment at Ukiah which it utilizes for charter operations originating in Mendocino County.

Greyhound conducts special operations from Santa Rosa to Candlestick Park in the event 32 or more passengers desire such transportation. Between April 24, 1976 and September 11, 1976 eight such trips were operated. Greyhound's senior director of traffic testified such service can be utilized by residents of Ukiah and Willits by utilizing Greyhound's regularly scheduled service to Santa Rosa and there changing to the special bus to Candlestick Park.

Greyhound also conducts operations from San Francisco to Marriot's Great America and South Lake Tahoe. Such services are also available to residents of Fort Bragg, Willits, and Ukiah through use of Greyhound's regular service to San Francisco. Greyhound's regularly scheduled service between Fort Bragg, Willits, and Ukiah on the one hand and Santa Rosa and San Francisco on the other hand is contained in Exhibit 7.

Greyhound's senior director of traffic also testified that he requested the staff of the Commission to amend the Class B certificate to reflect the mileage limitations set forth when it was issued to Dwight I. Spurgeon and that said restriction was imposed to protect Greyhound's operations on the Redwood Highway. He further testified that if the authority sought is granted it would have the effect of extending the origin area of the Class B certificate to the extent it authorized pickups in Ukiah and Willits.

Granting the authority requested herein basically would allow applicants, as to the enumerated six tours, to assess fares on an individual fare basis and expand their pickup area to Willits and Ukiah. Under their Class B certificate applicants could conduct the tours, for which they seek passenger stage authority from Fort Bragg only provided charges were not assessed on an individual fare basis. The service requested is primarily for the residents of the Fort Bragg area. We are not convinced from this record that the service should be accorded the residents of Ukiah and Willits who have available to them five daily schedules in each direction to and from Santa Rosa and San Francisco where connection can be made to various points throughout the state. Greyhound offers only one trip in each direction between Fort Bragg and San Francisco.

Findings

1. Applicants have applied for a certificate to operate as a passenger stage corporation for six tours enumerated in Exhibit 1.
2. Applicants are authorized to conduct operations as a Class B charter-party carrier of passengers from points within a 16-air mile radius to points within a 300-mile radius of Fort Bragg.
3. Protestant Greyhound conducts special operation tours from Santa Rosa and San Francisco similar to those proposed by applicants.

4. The tours of Greyhound are available to patrons in the Willits, Ukiah, and Fort Bragg areas through use of Greyhound's regularly scheduled service to Santa Rosa and San Francisco.

5. Greyhound has five regular daily scheduled services in each direction between San Francisco and Santa Rosa on the one hand and Ukiah and Willits on the other hand.

6. Greyhound has one regular daily scheduled service in each direction between San Francisco and Santa Rosa on the one hand and Fort Bragg on the other hand.

7. Public convenience and necessity require the issuance of a certificate to perform the proposed service from Fort Bragg.

8. Public convenience and necessity do not require the issuance of a certificate to perform the proposed service from Ukiah and Willits.

9. Greyhound serves Fort Bragg, but is not providing services which are adequate for the public in connection with the tours proposed by applicants and therefore Greyhound's services to said extent are not satisfactory to the Commission.

10. Applicants have the ability, experience, equipment, and financial resources to perform the proposed service.

11. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the application should be granted to the extent set forth in the following order. To the extent not granted herein the application should be denied.

Applicants are 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. A certificate of public convenience and necessity is granted to Richard Goodridge, Ilse Goodridge, John Williams, and Roni Williams, a copartnership, doing business as B & H Transportation, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. To the extent not granted herein Application No. 56713 is denied.

4. The certificate of public convenience and necessity granted by Decision No. 85229 is revoked effective concurrently with the effective date of the tariff filing required by paragraph 2(c).

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

Dated at San Francisco, California, this 9th day of MARCH, 1977.

Robert Belmont
President

James L. Sturgeon
Leonard Ross
Richard D. Gualde
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

DDM/kd

Appendix A

Richard Goodridge, Ilse Goodridge, Original Title Page
John Williams and Roni Williams
Doing Business as
B & H TRANSPORTATION

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. 87059
dated MAR 9 - 1977, of the Public Utilities Commission
of the State of California, in Application No. 56713.

Richard Goodridge, Ilse Goodridge,
John Williams and Roni Williams
Doing Business as
B & E TRANSPORTATION

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Appendix A

Richard Goodridge, Ilse Goodridge,
John Williams and Roni Williams
Doing Business as
B & H TRANSPORTATION

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Richard Goodridge, Ilse Goodridge, John Williams and Roni Williams, doing business as B & H Transportation, of their predecessors.

Richard Goodridge, Ilse Goodridge, John Williams and Roni Williams, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to operate as a passenger stage corporation to transport passengers and their baggage on an on-call basis between Willits and Fort Bragg, and to transport passengers and their baggage on a point-to-point on-call basis between Fort Bragg, on the one hand, and Harrah's Parking Lot, South Lake Tahoe; Candlestick Park, San Francisco; Oakland Coliseum, Oakland; Cow Palace, Daly City; Marine World, San Carlos; and Marriott's Great America, Santa Clara; named in tours hereinafter described, on the other hand, subject to the following conditions and restrictions:

- (a) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demand of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (b) All point-to-point "on-call" service herein authorized shall be limited to the transportation of round-trip passengers only.
- (c) Applicant shall not originate or terminate point-to-point passengers except at Fort Bragg, California.

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SECTION 2. ON-CALL SERVICE

Fort Bragg - Willits

Commencing at 222 East Redwood Avenue in Fort Bragg, over and along the most convenient and appropriate streets, roads and State Highway No. 20 to any appropriate point or points in Willits, returning by reverse route. This route is operated only on an "on-call" service basis.

SECTION 3. POINT-TO-POINT ON-CALL SERVICE

Tour No. 1. CANDLESTICK PARK, SAN FRANCISCO

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to Candlestick Park, in San Francisco, returning by the reverse route.

Tour No. 2 COW PALACE, DALY CITY

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to the Cow Palace in Daly City, returning by the reverse route.

Tour No. 3 OAKLAND COLISEUM, OAKLAND

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to the Oakland Coliseum, returning by the reverse route.

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Appendix A

Richard Goodridge, Ilse Goodridge,
John Williams and Roni Williams
Doing Business as
B & H TRANSPORTATION

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SECTION 3. POINT-TO-POINT ON-CALL SERVICE (Continued)

Tour No. 4 SOUTH LAKE TAHOE

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to Harrah's South Lake Tahoe Parking Lot in the City of South Lake Tahoe, California, returning by the reverse route.

Tour No. 5 MARRIOTT'S GREAT AMERICA

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to Marriott's Great America, in Santa Clara returning by the reverse route.

Tour No. 6 MARINE WORLD

Commencing at 222 East Redwood Avenue in Fort Bragg, thence over the most appropriate route or routes to Marine World in San Carlos returning by the reverse route.

Issued by California Public Utilities Commission.

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