

ORIGINAL

Decision No. 87062

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of (1) )  
 TERESA DEJESUS GOMEZ )  
 For certificate of public convenience and )  
 necessity to operate (2) )  
 PASSENGER FARM LABOR service )  
 between CORCORAN, CALIF. )  
 and WITHIN 50 miles radius )

Application No. 56941  
 (Filed December 13, 1976)

O P I N I O N

Teresa DeJesus Gomez, an individual, has applied for authority to operate as a Passenger Stage Corporation in providing passenger transportation service for farm laborers who live in the City of Corcoran (Kings County) and work at farm locations within a 50-mile radius of Corcoran.

Greyhound Lines, Inc., filed a protest dated December 23, 1976, objecting to the granting of the application based on the notice published in the Commission's December 15th Calendar because the proposed 50-mile operating territory includes a substantial segment of Greyhound's regular route operations between Fresno and the vicinity of Bakersfield.

The applicant alleges that the proposed passenger service for farm workers is not presently being provided by any other carrier authorized by this Commission within the sought area. The proposed specialized home-to-work type service consists of picking up farm workers at their homes and transporting them to the fields in the morning. At the conclusion of the work day, the travel is reversed. The applicant plans to use a 1952 Ford Bus with a 24-passenger capacity in the service, for a daily round-trip fare of \$2.00 per passenger.

By letter received January 25, 1977 applicant amended the application to limit the requested transportation to between Corcoran and farm locations within a 20-mile radius of Corcoran.

The Commission's Transportation Division staff has reviewed the application and recommends that the amended request be granted by ex parte order. The service as now proposed will not be operated between cities and, thus, will not compete with Greyhound's operations, nor will it compete with the services of any other certificated carrier presently conducting passenger transportation service in the general area.

The Commission finds that public convenience and necessity require that the passenger stage service proposed by the applicant be established. It can be seen with certainty that there is no possibility that the project involved in this proceeding may have a significant effect on the environment.

The Commission concludes that a public hearing is not necessary and the application should be granted.

Applicant 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. A Certificate of Public Convenience and Necessity is granted to Teresa DeJesus Gomez, an individual, authorizing her to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, between the points, and subject to the conditions set forth in Appendix A of this decision.

2. 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 she accepts the certificate she 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 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 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 her 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 her operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

A. 56941 VVB

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 Bateman

President

William S. Symons, Jr.

Leonard Ross

Michael D. Gualle

Commissioners

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

VVB

Appendix A

TERESA DEJESUS GOMEZ  
(an individual)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A  
PASSENGER STAGE CORPORATION

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions and privileges applicable thereto.

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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.

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Issued under authority of Decision No. 87062, dated MAR 9 - 1977  
of the Public Utilities Commission of the State of California, in  
Application No. 56941.

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

Teresa DeJesus Gomez, an individual, 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 farm workers on passenger-carrying vehicles between pick up points in the City of Corcoran (Kings County), on the one hand, and farm locations within 20 miles of the city limits of Corcoran, on the other hand, subject to the following provisions:

- (a) Service will be operated only during regular working days.
- (b) Only farm workers destined to or returning from farm locations shall be transported.