

ORIGINAL

Decision No. 87146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of Curt N. Bosworth, an individual,)
 dba Stardust Charters, to sell and)
 Paul R. Artac, an individual, dba)
 Sundance Transportation, for)
 authority to purchase a portion of)
 the certificate of public convenience)
 and necessity described as Route)
 Three (3))

Application No. 56906
 (Filed November 30, 1976)

O P I N I O N

By Decision No. 82675 in Application No. 54363 Curt N. Bosworth, an individual, doing business as Stardust Charters, was issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-939) for the purpose of transporting employees of Hughes Aircraft Company between designated points in Orange County, on the one hand, and various Hughes Aircraft Company facilities located near the Los Angeles International Airport (LAX) and in Culver City in Los Angeles County, on the other hand.

By Application No. 56906 Curt N. Bosworth, an individual, doing business as Stardust Charters, hereinafter referred to as seller, and Paul R. Artac, an individual, doing business as Sundance Transportation, hereinafter referred to as buyer, request authority to transfer a portion of seller's passenger stage certificate (heretofore identified as Route Three) to buyer.

Seller alleges the fact that, when this application was originally filed, he had planned to continue operations of his remaining two routes: Route 1 between Costa Mesa and Hughes Aircraft Company near LAX, and Route 2 between Irvine and Hughes Aircraft Company near LAX. Since the filing date of Application No. 56906, seller advises that he entered into an agreement to sell the remaining routes to William Hunt. We note that an application for

this purpose was filed with the Commission on February 4, 1977 and is currently identified as Application No. 57059.

In the application under immediate consideration (No. 56906), seller and buyer have entered into a written agreement on the terms and conditions for the transfer of the certificate of public convenience and necessity. The parties have agreed that the purchase price will be the sum of nine thousand five hundred dollars (\$9,500.00).

The application was listed on the Commission's Daily Calendar of December 2, 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 Route Three (3), as amended, of the certificate presently held by Curt N. Bosworth, doing business as Stardust Charters, and the issuance of a certificate in appendix form to Paul R. Artac, doing business as Sundance Transportation.

Buyer 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 September 1, 1977, Curt N. Bosworth, doing business as Stardust Charters, may sell and transfer the operative rights referred to in the application to the purchaser Paul R. Artac, doing business as Sundance Transportation.

2. Within thirty days after the transfer the buyer shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

3. Buyer 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 he has adopted or established, as his 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 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 Nos. 79-Series and 98-Series. Failure to comply with the provisions of General Orders Nos. 79-Series 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 Paul R. Artac, doing business as Sundance Transportation, authorizing him 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, attached hereto and made a part hereof.

5. Appendix A of Decision 82675 is amended by incorporating First Revised Page 5, attached hereto, in revision of Original Page 5, effective concurrently with the effective date of the tariff filings

required by paragraph 3.

6. Buyer shall comply with the safety rules of the California Highway Patrol and the rules and regulations of the Commission's General Order No. 101-Series.

7. Buyer shall maintain his 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 his 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 29th day of MARCH, 1977.

Ruben Bateman

President

William J. Brown Jr.

Vernon L. Sturgeon

J. H. Brown

Michael D. Crowley

Commissioners

Appendix A

Paul R. Artac
Doing Business As
SUNDANCE TRANSPORTATION

Original Page 1

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
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. 87146, dated MAR 20 1977
of the Public Utilities Commission of the State of California, in
Application No. 56906.

VVB

Appendix A

Paul R. Artac
Doing Business As
SUNDANCE TRANSPORTATION

Original Page 2

INDEX

Page No.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS	3
SECTION 2. ROUTE DESCRIPTION	4

Issued by California Public Utilities Commission.

Decision No. 87146, Application No. 56906.

Appendix A

Paul R. Artac
Doing Business As
SUNDANCE TRANSPORTATION

Original Page 3

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

Paul R. Artac, 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 between certain designated areas in Orange County and Hughes Aircraft Company in Culver City, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections 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) All transportation of passengers shall originate at the points hereinafter specified in Orange County, on the one hand, and shall be destined to the various entry gates of buildings and installations of the Hughes Aircraft Company in Culver City, on the other hand, and shall be limited to employees of or persons seeking employment at the Hughes facilities.
- (d) Passenger stage service shall be operated only at times necessary to meet employee shift changes at the industry served and at other times when necessary to transport persons seeking employment at said industry.
- (e) Passenger stage service may be terminated upon ten days' notice to the public and to the Commission should work stoppage occur due to strike, plant closure, plant relocation, or any other event affecting the need or necessity for said service.

Issued by California Public Utilities Commission.

Decision No. 87146, Application No. 56906.

SECTION 2... ROUTE DESCRIPTION.

Beginning at the intersection of Bristol and Baker Streets in the City of Costa Mesa; thence north along Bristol Street to the San Diego Freeway (State Route 405); thence along said Freeway to the intersection of Beach Boulevard and McFadden Avenue in the City of Westminster; thence along Beach Boulevard, San Diego Freeway (State Route 405) to Valley View Avenue and Cerulean Avenue in the City of Garden Grove; thence continuing northerly along the San Diego Freeway (State Route 405), Jefferson Boulevard to Hughes Aircraft in Culver City where passengers may be discharged at Gates 2, 13 and 17 and return via the reverse of the going route.

Issued by California Public Utilities Commission.

Decision No. 87146, Application No. 56906.

Appendix A
(Dec. 82675)

Curt N. Bosworth
Doing Business As
SEARDUST CHARTERS

First Revised Page 5
Cancels
Original Page 5

SECTION 3. ROUTE DESCRIPTIONS.

Route No. 1

Beginning at the intersection of Bristol Street and San Diego Freeway (State Route 405) in the City of Costa Mesa; thence northerly along said freeway to pickup points located at the intersections of Bushard Street and Warner Avenue in the City of Fountain Valley and Beach Boulevard and McFadden Avenue in the City of Westminster; thence continuing northerly along the San Diego Freeway (State Route 405) to El Segundo Boulevard, Sepulveda Boulevard to Hughes Aircraft Company buildings 110, 125, 359, 366 and 376 located in the Los Angeles International Airport Service Area and return via the reverse of the going route.

Route No. 2

Beginning at the intersection of MacArthur Boulevard and Business Center Drive in the City of Irvine; thence northerly along MacArthur Boulevard to San Diego Freeway (State Route 405); thence northerly along said freeway to pickup points located at the intersections of Beach Boulevard and McFadden Avenue in the City of Westminster and Valley View Street and Cerulean Avenue in the City of Garden Grove; thence continuing northerly along the San Diego Freeway (State Route 405) to El Segundo Boulevard, Sepulveda Boulevard to Hughes Aircraft Company buildings 359, 366, and 373 located in the Los Angeles International Airport Service Area and return via the reverse of the going route.

Issued by California Public Utilities Commission.

Revised by Decision No. 87146, Application No. 56906.