

Decision No. 87723 August 16, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of CARITAS CREEK, a non-profit)
corporation, for certificate of)
public convenience and necessity)
to operate as a passenger stage)
corporation for transportation of)
children, students and certain)
mentally retarded children and)
adults between the nine bay)
counties and Mendocino Woodlands,)
Camp 3, Mendocino.)

Application No. 57259
(Filed April 27, 1977)

O P I N I O N

By this application, Caritas Creek, a non-profit California corporation, seeks a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation to transport children between the ages of 7 through 17 between the counties of Solano, San Francisco, San Mateo, Marin, Santa Clara, Alameda, Contra Costa, Napa, Sonoma and Sacramento on the one hand and Mendocino Woodlands, Camp 3, Mendocino County on the other hand.

Caritas Creek a non-profit organization was incorporated in October 1975. The specific and primary purposes of this organization are to operate an outdoor educational facility. Caritas Creek's major goal is to create opportunities for children of various social and economic backgrounds to share their experiences. The summer camps are generally operated on a five day program offering various outdoor activities in natural setting of Mendocino's redwood forest. The staff of Caritas Creek consists of volunteers of varied backgrounds including credentialed teachers, special education instructors, professional medical personnel, trained counselors and college students. The drivers of the proposed bus operation are camp counselors, who are also certified school bus drivers. The volunteer services offered by the staff makes the Caritas Creek programs economically accessible to children with limited resources.

The applicant proposes to provide seasonal service from February to August with advance reservations. The service will be provided to children between the ages of 7 through 17 with a minimum of 10 children. The applicant proposes to use the quickest and most convenient routes available from points in the service area to the Mendocino Woodlands, Camp 3. The fares listed in the application are from any point in the county to the Camp. Customers are solicited at local schools without official involvement of school management.

The application was listed on the Commission's Daily Calendar of April 28, 1977. 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.

After consideration the commission finds that public convenience and necessity require the granting of the application. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A public hearing is not necessary.

Caritas Creek 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 Caritas Creek, a non-profit corporation, authorizing it 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, 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 five days after the effective date of this order on not less than five day's 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.

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

Dated at San Francisco, California, this 16th
day of AUGUST, 1977.

Robert Bateman

President

William Lyons Jr.

Veron L. Steigman

Richard D. Howell

David L. Schick

Commissioners

CARITAS CREEK

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

NO. 1019

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. **87723**,
dated **AUG 16 1977**, 1977 of the Public Utilities Commission of
the State of California, in Application No. 57259.

CARITAS CREEK

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

Caritas Creek, a non profit corporation, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport children between the ages of 7 through 17 and their accompanied baggage, between points in the counties of Solano, San Francisco, San Mateo, Marin, Santa Clara, Alameda, Contra Costa, Napa, Sonoma and Sacramento on the one hand and Mendocino Woodlands, Camp 3, Mendocino on the other hand over and along the most appropriate and convenient streets, roads, and highways subject to the following provisions:

- (a) Only passengers destined to or originating at Mendocino Woodlands, Camp 3 are to be transported.
- (b) The bus drivers shall be certified school bus drivers, as certified by State of California, Department of Motor Vehicles.
- (c) The service shall be provided between approximately February 1 and August 31 of each year.
- (d) The service shall be provided on an on-call basis, to be rendered dependent on the demands of the passengers. The tariffs and timetables shall show the conditions under which on-call service will be rendered.