

ORIGINAL

Decision No. 87726 AUG 16 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
KENNETH MARSON and MARY M. MARSON)
for a certificate of public conven-)
ience and necessity to operate a)
passenger stage service between)
Alameda County and San Francisco)
and San Mateo Counties.)

Application No. 57009
(Filed January 17, 1977)

Kenneth Marson and Mary M. Marson, for themselves,
applicants.
Handler, Baker & Greene, by Randall M. Faccinto
and Raymond A. Greene, Attorneys at Law, for
SFO Airporter, Inc. (formerly Airporttransit of
California dba Airporter), and Judith Orloff,
for The Airport Connection, protestants.
Mike Parrish, for Local 265, and James Brasil,
Deputy City Attorney, for City and County of
San Francisco, interested parties.
Autar S. Chhina, for the Commission staff.

O P I N I O N

Mary M. Marson, dba Parker Travel Service/Downtown Tours, requests a certificate to conduct passenger stage operations between specified hotels and motels in Cakland and Union Square in San Francisco. Kenneth Marson withdrew his request. The application as originally filed was protested by SFO Airporter, Inc. (formerly Airporttransit of California, dba Airporter), The Airport Connection, and the City and County of San Francisco, but upon the applicant's amending the application to eliminate protestants' interest, namely, service to and from the San Francisco International Airport, the protestants withdrew their protests. A hearing was held on the matter before Administrative Law Judge Pilling at San Francisco on June 16 and 17, 1977.

Applicant and her husband currently conduct operations under permit as a charter-party carrier of passengers using a 1976 14-passenger Dodge Van and a 1976 11-passenger Chevrolet Van and the last seven months of 1975 netted \$1,449 on a gross revenue of \$14,900 in that operation. Applicant oversees the day-to-day charter party operations as her husband is employed full time by a major sightseeing bus company. Applicant's husband testified that he intends to turn over to applicant the two vans and to have the charter-party permit put in applicant's sole name, to which applicant expressed her agreement. Applicant will then be the sole owner of the charter-party operation and the proposed passenger stage operation and the two vans will be used in both operations.

Applicant proposes to operate four round-trip schedules per day seven days a week from four motels and hotels on Hegenberger Road in Oakland--the Edgewater Hyatt House, the Royal Inn, the Oakland Airport Hilton Inn, and the Holiday Inn--and the Holiday Inn in Emeryville to Union Square in San Francisco. The service will be advertised as a "Shoppers' Shuttle" and the round-trip adult fare will be \$8, with children under 10 years of age at one-half fare. All of the motels and hotels will be serviced on each of the trips. Applicant, who has had experience in driving the vans in the charter-party operation, will act as a backup driver in the proposed operation. Contacts with the subject motels and hotels revealed to applicant a need for the service. Several of the motels and hotels submitted letters in support of the proposed service.

Applicant anticipates she will gross approximately \$80,640 as a passenger stage corporation. Based on previous experience in the operation of the buses, applicant estimates her maintenance expense will be \$2,220, transportation expense \$28,337, and all other expenses \$22,837, leaving applicant a net income from the operations of \$27,246. Applicant values her net interest in community property at approximately \$22,000.

Applicant requests that her certificate to operate the Shoppers' Shuttle be restricted to round-trip service and to the use of vehicles owned or leased by her which carry no more than seven passengers and that the certificate be restricted against providing connecting service to passengers going to or from the San Francisco International Airport. Present van seats are to be reduced to seven. ✓

After consideration the Commission finds that public convenience and necessity require the granting of a certificate to applicant to operate as a passenger stage corporation as set out in Appendix A. Because the charter-party operations and permit of applicant and her husband have not as yet been transferred to applicant solely, the certificate will be issued in the name of Mary M. Marson and applicant at a later date should inform the Commission of any assumed name under which she will be conducting the passenger stage operation.

Mary M. Marson 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 Mary M. Marson, 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 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 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 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 filing 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.

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 Symon Jr.
Vernon L. Sturgeon
Charles R. Giacalle
Clare L. DeKrich
Commissioners

cc/nb.

Appendix A

MARY M. MARSON

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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
NO.1020
TO OPERATE 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. 87726,
dated AUG 15 1977 of the Public Utilities Commission
of the State of California, in Application No. 57009.

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

Mary M. Marson, an individual, 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 passengers between Oakland Airport area hotels located on Hegenberger Road in Oakland (Royal Inn, Edgewater Hyatt House, Holiday Inn, Oakland Airport Hilton Inn) and Holiday Inn in Emeryville, on the one hand, and Union Square, San Francisco, on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (b) Transportation of passengers shall be provided in vehicles owned or leased by certificate holder and with seating capacity of seven passengers or less.
- (c) Only round-trip transportation service, beginning and terminating at the Oakland Airport area hotels and Holiday Inn, Emeryville, shall be provided.
- (d) No connecting service shall be provided by the certificate holder between Union Square, San Francisco and San Francisco International Airport.
- (e) Service shall be provided seven days a week with a minimum of four round trips a day.

Issued by California Public Utilities Commission.

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Appendix A

MARY M. MARSON

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SECTION 2. ROUTE DESCRIPTION

Commencing at the Oakland Airport hotels on Hegenberger Road to the north on State Highway Route 17, to Holiday Inn on Powell Street, Emeryville, to the south on State Highway Route 17, to Interstate Route 80 via San Francisco-Oakland Bay Bridge to 5th Street, San Francisco, to Folsom Street, to Third Street, to Geary Street and terminate at Union Square at the intersection of Geary Street and Powell Street, San Francisco.

The return trip commencing at the intersection of Geary Street and Powell Street, to Post Street, to Stockton Street, to 4th Street, to Howard Street, to 5th Street in San Francisco to Holiday Inn, Emeryville via San Francisco-Oakland Bay Bridge, to south on State Highway Route 17 and terminate at the Oakland Airport area hotels on Hegenberger Road, Oakland.

Issued by California Public Utilities Commission.

Decision No. 87726, Application No. 57009.

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4. With the exception of the amendments contained herein, Decision No. 87448 remains unchanged including the effective dates established for (1) payment of the fine in Ordering Paragraph 7 and (2) the submission of reports in Ordering Paragraphs 4 and 10.

The effective date of this order is the date hereof.

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

Robert B. Smith
President
William S. ...
...
...
...
Commissioners