

TLR

Decision No. 87795 AUG 30 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HORACE SIMMONS, doing business as)
VACA VALLEY BUS LINES, to transfer) Application No. 57395
certificates of public convenience and) (Filed June 22, 1977)
necessity and assets to VACA VALLEY)
BUS LINES, INC., a California corpo-)
ration, and to issue stock.)

O P I N I O N

Horace Simmons, doing business as Vaca Valley Bus Lines, requests authority to transfer his Certificates of Public Convenience and Necessity to operate as a passenger stage corporation and certain related assets to Vaca Valley Bus Lines, Inc., and the latter seeks authorization to issue 1,400 shares of no par value common stock for an aggregate sum of \$140,000.

Horace Simmons operates as a passenger stage corporation under authorities issued to him by this Commission in Decision No. 65585 dated June 18, 1963, in Application No. 45489, as amended by Decision No. 85944, dated June 15, 1976, in Application No. 49923 and Decision No. 70732, dated May 17, 1966, in Application No. 48475. Decisions Nos. 65585 and 85944 authorize operations over specified routes between Fairfield, Travis Air Force Base, Suisun, Vacaville and Parks Air Force Base. Decision No. 70732 authorizes service over unspecified routes between San Francisco International Airport and Oakland International Airport, on the one hand, and Travis Air Force Base, on the other hand, restricted to periods when Greyhound Lines has ceased to operate because of labor strikes.

Horace Simmons also holds a Class A Charter-party Carrier of Passengers Certificate No. TCP 35-A authorizing charter-party operations between points in California. A second application has been filed with the Commission requesting transfer of that authority to the corporation.

Exhibit "E", attached to the application, discloses that the proprietorship, Horace Simmons, doing business as Vaca Valley Bus Lines, during the year ended December 31, 1976, had total operating revenues of \$339,743 and net income of \$31,385.

The applicant, Horace Simmons, proposes to transfer his authority and related assets to Vaca Valley Bus Lines, Inc., as he has determined that it would be to his best interest and that of his business to conduct the service as a corporation.

The present service and the joint route and through rates applicant presently maintains with Greyhound Lines will be continued, and the favorable consideration of the application will not be against public interest. No protests to the application have been received.

After consideration, the Commission finds that:

1. The proposed transactions would not be adverse to the public interest.
2. The proposed stock issue would be for a proper purpose.
3. The money, property or labor to be procured or paid for by the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings, the Commission concludes that the proposed transfer should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Horace Simmons, an individual doing business as Vaca Valley Bus Lines, and the issuance of a certificate in appendix form to Vaca Valley Bus Lines, Inc.

Vaca Valley Bus Lines, Inc., 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. The authorization herein granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1977, Horace Simmons, an individual doing business as Vaca Valley Bus Lines, may sell and transfer the operative rights and other assets referred to in the application to Vaca Valley Bus Lines, Inc.

2. Within thirty days after the transfer Vaca Valley Bus Lines, Inc., 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. Vaca Valley Bus Lines, Inc., 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 it has adopted or established, as its own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days after the 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 transfer. 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 93 Series. Failure to comply with the provisions of General Orders Nos. 79 Series and 93 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 Vaca Valley Bus Lines, Inc., 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 as set forth in Appendix A of this decision.

5. Vaca Valley Bus Lines, Inc., on or after the effective date hereof and on or before December 31, 1977, may issue not exceeding 1,400 shares of its no par value stock in exchange for assets totaling \$140,000.

6. Vaca Valley Bus Lines, Inc., shall file with the Commission the reports required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

7. The Certificates of Public Convenience and Necessity granted by Decisions Nos. 85944, 70732 and 65585 are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

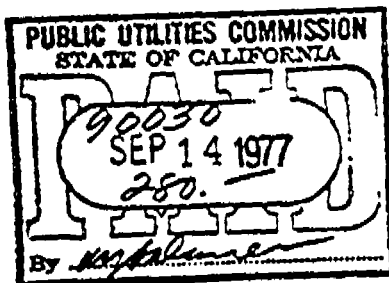
8. Vaca Valley Bus Lines, Inc., shall comply with the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order 98 Series, and the insurance requirements of the Commission's General Order No. 101 Series.

9. Vaca Valley Bus Lines, Inc., 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.

10. Vaca Valley Bus Lines, Inc., shall comply with the requirements of the Commission's General Order No. 84 Series for the transportation of collect on delivery shipments. If Vaca Valley Bus Lines, Inc., elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

11. The authority granted by this order to issue stock will become effective when Vaca Valley Bus Lines, Inc., has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$280. In all other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th
day of AUGUST, 1977.



President
William S. Squire, Jr.
Vernon L. Squire
Robert D. Squire

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

TO OPERATE AS A PASSENGER STAGE CORPORATION

PSC-296

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.

87795

Issued under authority of Decision No. _____
dated Aug 30 1977, of the Public Utilities Commission of the
State of California, in Application No. 57395.

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

The certificate hereinafter set forth, granted by the decision noted in the margin, supersedes all passenger stage corporation operative authorities heretofore issued to Horace Simmons, dba Vaca Valley Bus Lines, or his predecessors.

Vaca Valley Bus Lines, Inc., is authorized as a passenger stage corporation to transport:

- A. Passengers, their baggage and shipments of express weighing 100 pounds or less on passenger-carrying vehicles only between (1) Fairfield and Travis Air Force Base, (2) Fairfield and Suisun, (3) Vacaville and Travis Air Force Base, (4) Travis Air Force Base and Parks Air Force Base, and certain territories intermediate and adjacent thereto 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:
- (1) 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.
 - (2) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
 - (3) No service shall be rendered to, from or between intermediate points from Travis Air Force Base - Parks Air Force Base.
 - (4) No service shall be provided between the Cities of Vacaville and Fairfield.

Issued by California Public Utilities Commission.

Decision No. 87795 Application No. 57395.

- B. Passengers and their baggage between San Francisco, San Francisco International Airport and Metropolitan Oakland International Airport, on the one hand, and Travis Air Force Base, on the other hand, over the most appropriate route or routes between such points, subject, however, to the following provision:

Service shall be rendered only during the time service by Greyhound Lines, Inc., is not provided due to strike conditions.

Issued by California Public Utilities Commission.

Decision No. 87795, Application No. 57395.

SECTION 2. ROUTE DESCRIPTIONS

- (a) Route No. 1, Fairfield to Travis Air Force Base.

From Fairfield over North Texas Road and
Travis Access Road to Travis Air Force Base.

- (b) Route No. 2, Fairfield to Suisun.

From Fairfield over Union Avenue to Suisun.

- (c) Route No. 3, Vacaville to Travis Air Force Base.

From Vacaville over Davis Road, Peabody Road,
and Travis Access Road to Travis Air Force Base.

- (d) Route No. 4, Travis Air Force Base to Parks Air Force
Base.

From Travis Air Force Base over Travis Access
Road, Interstate 80, State Highway 21, Interstate
680, Interstate 580 to Parks Air Force Base.

Alternate Route: Route No. 4, Travis Air Force Base
to Parks Air Force Base.

From Travis Air Force Base over Travis Access Road,
Interstate 80, State Highway 4, State Highway 21,
Interstate 580 to Parks Air Force Base.

Issued by California Public Utilities Commission.

Decision No. 87795, Application No. 57395.