

ORIGINAL

Decision No. 88012 OCT 18 1977

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 TRAVELIER CHARTER, INC., to transfer  
 a portion of a Certificate of Public  
 Convenience and Necessity, and  
 JAMES F. EVERETT, dba JOLLY JUGGER  
 to acquire, pursuant to Section 851  
 et seq., of the California Public  
 Utilities Code.

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 )  
 ) Application No. 57552  
 ) (Filed September 2, 1977)  
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O P I N I O N

By Decision 84741, as amended, Travelier Charter, Inc., was issued a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation to transport commuting passengers between Lockheed Missile and Space Company, Inc., in Sunnyvale, on the one hand, and Gilroy, San Martin, Morgan Hill and San Jose, on the other hand.

Travelier Charter, Inc., hereinafter referred to as transferor, requests authority to transfer Route 1, between San Jose and Lockheed to James F. Everett, an individual, doing business as Jolly Jigger, hereinafter referred to as transferee.

Transferor and transferee entered into a written agreement on the terms and conditions for the transfer of the authority between San Jose and Lockheed. The parties have agreed that the transferor will sell and transferee will purchase one 1956 GMC Model PD4501 coach in "as is" condition. The consideration for the operating authority and equipment is the sum of \$13,500. Upon receiving authority from this Commission to transfer the sought authority, transferor will relinquish its rights to the buyer.

The application was listed on the Commission's Daily Calendar of September 6, 1977. The Commission 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 partial revision of the certificate presently held by Travelier Charter, Inc., and the issuance of a certificate in appendix form to James F. Everett, doing business as Jolly Jugger.

Transferee 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 January 1, 1978, Travelier Charter, Inc., may sell and transfer the operative rights and equipment referred to in the application to the transferee, James F. Everett, doing business as Jolly Jugger.
2. Within thirty days after the transfer, the transferee 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. Transferee and transferor shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred and operations remaining to show that the transferee 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 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 79-Series and 98-Series. Failure to comply with the provisions of General Orders 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 James F. Everett, doing business as Jolly Jugger, authorizing him to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, between San Jose and Lockheed Missile and Space Company, Inc., Sunnyvale, over the route set forth in Appendix A, attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted to Travelier Charter, Inc., 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 Decision 84741, as amended, is further amended by incorporating Second Revised Pages 1 and 2 in revision of First Revised Pages 1 and 2, respectively.

6. Transferee shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order 98-Series, and insurance requirements of the Commission's General Order 101-Series.

7. Transferee 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 18th  
day of OCTOBER, 1977.

Robert Bateman  
President  
William Lyons Jr.  
Vernon L. Sturgeon  
Richard D. Chavale  
Walter T. Schick  
Commissioners

Appendix A

James F. Everett  
doing business as  
JOLLY JUGGER

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION

PSC 1024

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. 88012,  
dated OCT 18 1977, 1977, of the Public Utilities  
Commission of the State of California, in Application No. 57552.

Appendix A  
(Dec. 84741)

TRAVELIER CHARTER, INC.  
(a corporation)

2nd Revised Page 2  
Cancels  
1st Revised Page 2

SECTION 2. ROUTE DESCRIPTIONS.

\*Route 1 - Deleted.

Route 2 - Gilroy, San Martin and Morgan Hill - Lockheed

Commencing at Murray Avenue and Leavesley Road in Gilroy, thence on Leavesley Road, Monterey Road, U.S. Highway 101, and over the most appropriate streets, expressways and freeways to Lockheed Missile and Space Company, Inc.

Passenger Bus Stops:

Leavesley Road and Murray Avenue - Gilroy  
Monterey Road and Highland Avenue - San Martin

Lockheed Missile and Space Company, Inc. - Sunnyvale  
Between 1st and 2nd Streets on Monterey Road - Morgan Hill

Issued by California Public Utilities Commission.

\*Amended by Decision No. 88012, Application No. 57552.

Appendix A  
(Dec. 84741)

TRAVELIER CHARTER, INC.  
(a corporation)

2nd Revised Page 1  
Cancels  
1st Revised Page 1

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

\*Travelier Charter, Inc., a California corporation, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport commuting passengers between Lockheed Missile and Space Company, Inc., Sunnyvale, on the one hand, and Gilroy, San Martin and Morgan Hill, on the other hand, over and along the routes described herein, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at Lockheed Missile and Space Company, Inc., shall be transported.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- \*(d) Deleted.
- (e) Service will only be operated on days when work is in progress at the Lockheed Missile and Space Company, Inc.

Issued by California Public Utilities Commission

\*Amended by Decision No. 88012, Application No. 57552.

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

James F. Everett, an individual, doing business as Jolly Juggler, 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 commuting passengers between Lockheed Missile and Space Company, Inc., Sunnyvale and San Jose, over and along the route described herein, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at Lockheed Missile and Space Company, Inc., shall be transported.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) Service will be operated in the morning, leaving the first bus stop in San Jose, as noted herein, at approximately 6:25 a.m. The bus, in the afternoon, will leave the Lockheed Missile and Space Company, Inc., Sunnyvale, at approximately 4:20 p.m.
- (e) Service will only be operated on days when work is in progress at the Lockheed Missile and Space Company, Inc.

Issued by California Public Utilities Commission.

By Decision No. 88012, Application No. 57552.



Appendix A

James F. Everett  
doing business as  
JOLLY JUGGER

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SECTION 2. ROUTE DESCRIPTION.

Route 1 - San Jose - Lockheed

Commencing at Crown Boulevard and Almaden Expressway, thence on Almaden Expressway, Blossom Hill Road, Kooser Road, Camden Avenue, State Highway 17, U.S. Highway 101, Fair Oaks Avenue and to Lockheed Missile and Space Company, Inc.

Passenger Bus Stops: Crown Boulevard and Almaden Expressway  
Almaden Expressway and Blossom Hill Road  
Lockheed Missile and Space Company, Inc.

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