

Decision No. 88485 FEB 7 1978

ORIGINAL

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 it's Cer-)
 tificate of Public Convenience)
 and-Necessity, and DARRELL L.)
 EMERSON, doing business as CEN-)
 TURY COMMUTE, to acquire, and to)
 extend between Edenvale and Lock-)
 heed Missile and Space Company,)
 Inc., Sunnyvale.)

Application No. 57751
 (Filed December 19, 1977)

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, and various communities in the South Bay area.

Travelier Charter, Inc., hereinafter referred to as transferor, requests authority to transfer its remaining authority to Darrell L. Emerson, an individual, doing business as Century Commute, hereinafter referred to as transferee. The authority to be transferred in this application is Route 2, between Lockheed Missile and Space Company, Inc., in Sunnyvale, on the one hand, and Gilroy, San Martin and Morgan Hill, on the other hand.

Transferee in this application also seeks to extend the sought authority to include Edenvale, located in the City of San Jose. Transferee said that several employees of Lockheed residing in the Edenvale area would use the service. Edenvale will be served in conjunction with Route 2, the sought authority.

Transferor and transferee entered into a written agreement on the terms and conditions for the transfer of Route 2. The parties have agreed that the transferor will sell and transferee will purchase one 1966 MIC and one 1957 GMC buses for the sum of \$22,000.00. 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 December 20, 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. Transferee has the financial ability to provide the service. 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. Public convenience and necessity also require the proposed service at Edenvale in connection with the transfer.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Travelier Charter, Inc., and the issuance of a certificate in appendix form to Darrell L. Emerson, doing business as Century Commute.

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 June 1, 1978, Travelier Charter, Inc., may sell and transfer the operative rights and equipment referred to in the application to the transferee, Darrell L. Emerson, doing business as Century Commute.
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 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 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 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 Darrell L. Emerson, doing business as Century Commute, 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 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., by Decisions Nos. 84741, 84857 and 88012 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferee shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 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 7th day of FEBRUARY, 1978.

Robert Bateman
President
William J. Agnew Jr.
Veronica L. Stenger
Richard P. Hoyle
Chaim T. Shapira
Commissioners

TLR

Appendix A

Darrell L. Emerson
doing business as
CENTURY COMMUTE

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC -1034

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. 88485,
dated FEB 7 1978, 1978, of the Public Utilities Commission
of the State of California, in Application No. 57751.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Travelier Charter, Inc., or its predecessors.

Darrell L. Emerson, an individual, doing business as Century Commute, 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, Morgan Hill and Edenvale in the City of San Jose, on the other hand, 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 only be operated on days when work is in progress at the Lockheed Missile and Space Company, Inc.

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SECTION 2. ROUTE DESCRIPTION.

Gilroy, San Martin, Morgan Hill and Edenvale - 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

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

Issued by California Public Utilities Commission.

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1 September 1977

FINANCIAL STATEMENT

Darrell L. Emerson
SS# 541-40-3722

Anita F. Emerson
SS# 541-32-3273

2771 Ferguson Road
Gilroy, California
95020 (408) 847-7937

ASSETS

Cash on Hand	\$2500.00
Real Estate:	\$150000.00
10 Acres, 3 bedroom-1 bath home,	
(2) 2 bedroom-1 bath apts (duplex),	
Large irrigation well, 80' x 160' metal	
barn, 40' x 60' hay barn	
Furnishings	6000.00
Automobiles:	
1967 Ford Country Sedan (Stationwagon)	350.00
1970 Ford F-250 P/U w/camper shell	2200.00
Business:	
Century Arabians--	
Model 841 Ford tractor	3500.00
Superior Loader	1000.00
Gannon box scraper	300.00
Pittsburg two-row cultivator	290.00
FMC 6 x 6 Bruchoy	850.00
Towner 6' gang disc	450.00
Towner 4' gang disc	300.00
6' Spike harrow	100.00
12' springtooth harrow	350.00
12' Heddon Swather	1500.00
Misc. Shop tools	1500.00
500' Aluminum sprinkler pipe (2")	500.00
240' Aluminum sprinkler pipe (6")	800.00
Livestock:	
Regist. #082876 Arab Stud	6000.00
" #060440 " Mare	4000.00
" #132028 " "	5000.00
" pending " Colt	7500.00
" #A14429 3/4 Arab mare	750.00
3 head Beef cattle (@ \$300 ea)	900.00
2 head sheep (@ 50 ea.)	100.00
Horse Tack (Saddles, headstalls,	1400.00
training equip., & misc)	
Century Commute--	
1957 GMC 39 pass. bus Model PD4104-	
4520	13000.00
1966 MCI 39 pass. bus Model 6487	24000.00
Communications Equip. (1 base, 4	
mobile w/antennas	1125.00
Office equip. (desk, file, type-	
writer, add. machine, etc.)	750.00
	\$237015.00

SOURCE OF INCOME

Lockheed Missile and Space Co. Sunnyvale, Calif.	\$1952.00/mo.
Rental Property (C 2771 Ferguson Rd. Gilroy, California)	300.00/mo.
Century Commute	2838.00/mo. 35090.00/mo.

LIABILITIES

	Loan amt.	
Lockheed Employees Federal Credit Union	1600.00	101.50/mo.
Mortgage on real estate:		
Monterey Savings (M. S. Miguel) (1st)	62000.00	600.00/mo.
Lockheed Emp. Fed. CU (2nd)	40000.00	513.85/mo.
Century Commute:		
Equip. loan (Dick James)	13750.00	-0-
Fuel		350.00/mo.
Insurance		633.00/mo.
Maintenance		100.00/mo.
Tires		66.00/mo.
Registration		60.00/mo.
Wages (driver)		258.00/mo.
		<u>2662.35/mo.</u>