

ORIGINAL

Decision No. 88561 MAR 7 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of the Estate of John E. Cook)
 doing business as Desert Stage)
 Lines, a sole proprietorship,)
 and Ardella Cook, his surviving)
 spouse, for authority to trans-)
 fer the certificate of public)
 convenience and necessity and)
 assets of the business.)

Application No. 57691
 (Filed November 16, 1977)

O P I N I O N

By this application the Estate of John E. Cook, an individual doing business as Desert Stage Lines, hereinafter referred to as transferor, seeks authority pursuant to Section 851 et seq of the California Public Utilities Code to transfer the passenger stage certificate and assets to Ardella Cook, the surviving spouse, hereinafter referred to as transferee.

Transferor was authorized to operate as a passenger stage corporation as defined by Section 226 of the California Public Utilities Code and operated between the Twentynine Palms Marine Corps Base and Palm Springs and intermediate points pursuant to a certificate granted by Decision 81349, dated May 8, 1973. Transferor also conducted operations between Twentynine Palms Marine Corps Base and vicinity, on the one hand, and Los Angeles and San Diego, on the other hand, pursuant to Decision 84064 in Application 54734, dated February 11, 1975.

John E. Cook died intestate on July 16, 1977. The certificate of public convenience and necessity above referred to was community property pursuant to the laws of the State of California. Under Sections 202 and 203 of the California Probate Code, said property passed to the surviving spouse, Ardella Cook, without necessity of administration. Therefore, there is no court order of any kind appointing an executor, administrator or other personal representative of the estate of John E. Cook.

Transferee will carry on the operation in the same manner and under the same tariffs and timetables as was carried on by John E. Cook. Transferee has worked actively in the business since the acquisition of the initial operating authority by John E. Cook in May of 1973.

The operation will be conducted with the same fleet of buses as had been operated before the death of Mr. Cook.

Transferee will have the same financial condition as that of transferor.

The service rendered to the public will not be affected in any way by the granting of this authority to transfer the certificate and assets requested in this application.

The application was listed on the Commission's Daily Calendar of November 21, 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 revocation of the certificate presently held by John E. Cook, doing business as Desert Stage Lines, and the issuance of a certificate in appendix form to Ardella Cook.

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 March 31, 1978, (The Estate of) John E. Cook, doing business as Desert Stage Lines, may transfer the operative rights and property referred to in the application to Ardella Cook.
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 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 she has adopted or established, as her own, the rates and rules. 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 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 Ardella Cook 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 as set forth in Appendix A of this decision.
5. The Certificates of Public Convenience and Necessity granted by Decisions Nos. 81349, 84064 and 85674 are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Ardella Cook 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.

7. Ardella Cook 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}~~thirty~~ days after ^{March}~~the~~ date hereof.

Dated at San Francisco, California, this 7th day of MARCH, 1978.

Robert Bateman
President
William J. Givens
Lyman L. Sturgeon
Charles D. Givens
Chas. J. DeLoach
Commissioners

Appendix A

Ardella Cook
doing business as
DESERT STAGE LINES

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A PASSENGER STAGE CORPORATION
PSC NO. 927

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.

Under authority of Decision No. 88561, dated
MAR 7 1978, of the Public Utilities Commission of
the State of California, in Application No. 57691.

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Appendix A

Ardella Cook
doing business as
DESERT STAGE LINES

Original Page 1

INDEX

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS	3
SECTION 2. ROUTE DESCRIPTIONS	
No. 1 - Palm Springs Airport - Twentynine Palms USMC Base	5
No. 2 - Twentynine Palms USMC Base - San Diego	5
No. 3 - Twentynine Palms USMC Base - Los Angeles	6

Issued by California Public Utilities Commission.
Decision No. **88561** Application No. 57691.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to John E. Cook, doing business as Desert Stage Lines, or his predecessors.

Ardella Cook, an individual, 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 passengers, baggage and express between the City of Palm Springs (Airport), San Diego and Los Angeles, on the one hand, and Twentynine Palms Marine Corps Base and intermediate points, 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 and restrictions:

- (a) No passengers, baggage or property shall be transported where origin and destination are both between the intersection of Palm Drive and Vista Chino, in the City of Palm Springs, on the one hand, and the Palm Springs Airport, on the other hand, both points inclusive, including intermediate points.
- (b) Motor vehicles may be turned at termini or 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.
- (c) When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS (Continued)

- (d) Carrier shall not pick up or discharge passengers at intermediate points between junction Interstate Highway 10 and California Highway 62, on the one hand, and San Diego or Los Angeles, on the other hand.
- (e) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

SECTION 2. ROUTE DESCRIPTIONS

Ardella Cook is authorized to conduct passenger stage operations over and along the following described streets and highways:

Route No. 1 - Palm Springs Airport - Twentynine Palms USMC Base

Beginning at Palm Springs Airport, in the City of Palm Springs, via McCallum Way, Tahquitz Drive, Indian Avenue, via Chino, Palm Drive (Desert Hot Springs), Pierson Boulevard, State Route 62 through Morongo Valley, Yucca Valley and Joshua Tree to Adobe Road (Twentynine Palms), thence Adobe Road and Condor Road to entrance To twentynine Palms Marine Corps Base in San Bernardino County.

Returning via reverse of going route to Palm Springs, thence via Vista Chino, Palm Canyon Drive, Amado Road, Indian Avenue, Alejo Road, Sunrise Way, Tahquitz Drive and McCallum Way to Palm Springs Airport.

Route No. 2 - Twentynine Palms USMC Base - San Diego

Beginning at Twentynine Palms Marine Corps Base south on Adobe Road; west and south on Twentynine Palms Highway and Highway 62 to Interstate 10; west on Interstate 10, west on Highway 60 to Highway 395; south on Highway 395 and Interstate 15 to San Diego; north on Interstate 5 to Front Street off ramp; south on Front Street to "F" Street; west on "F" Street to USO Club, 510 West "F" Street, San Diego. From San Diego, leave USO Club, 510 West "F" Street; east on "F" Street to Front Street; north on Front Street; south on Interstate 5; north on Highway 395 to Highway 60; east on Highway 60 and Interstate 10 to Highway 62; north and east on Highway 62 and Twentynine Palms Highway to Adobe Road; north on Adobe Road to Twentynine Palms Marine Corps Base.

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route No. 3 - Twentynine Palms USMC Base - Los Angeles

Beginning at Twentynine Palms Marine Corps Base south on Adobe Road; west and south on Twentynine Palms Highway and Highway 62 to Interstate 10; west on Interstate 10 and San Bernardino Freeway to Los Angeles, leaving at Spring Street off ramp; south on Spring Street to 7th Street; east on 7th Street on Los Angeles Street; north on Los Angeles Street to the Greyhound-RTD Terminal between 6th and 7th Streets on Los Angeles Street. From Los Angeles, leave the Greyhound-RTD Terminal on Los Angeles Street between 6th and 7th Streets, north on Los Angeles Street to San Bernardino Freeway (Interstate 10); east on Interstate 10 to Highway 62; north and east on Highway 62 and Twentynine Palms Highway to Adobe Road; north on Adobe Road to Twentynine Palms Marine Corps Base.