

Decision No. 88625 MAR 21 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
 WALTER HENRICKSEN to EXTEND a
 certificate of public convenience
 and necessity to operate passenger
 stage service between the cities of
 Sebastopol, Cotati, Penngrove and
 Petaluma on the one hand, and the
 Mare Island Naval Shipyard on the
 other hand.

Application No. 57813
 (Filed January 19, 1978)

O P I N I O N

Walter Henricksen was authorized by Decision 75945 dated July 22, 1969, in Application 51145, to operate as a Passenger Stage Corporation (PSC-851), to provide service from the Cities of Healdsburg, Santa Rosa, Cotati and Petaluma, and the Communities of Windsor and Penngrove to Mare Island Naval Shipyard (Mare Island) at Vallejo. By this application, applicant seeks to extend his certificate to include service from the City of Sebastopol to Mare Island.

Prior to October 1, 1977, another carrier, Kenneth Henricksen, d.b.a. Poodle Bus Line (Poodle), provided service from the Cities of Santa Rosa, Sebastopol, Sonoma, Cotati, and the Communities of Windsor, Boyes Hot Springs, Kenwood and Glen Ellen to Mare Island. On October 3, 1977, without notice to the public or the Commission, Poodle ceased all service except that between Sonoma and Mare Island. Due to Commission staff intervention, service from Kenwood, Boyes Hot Springs and Glen Ellen to Mare Island was reinstated. Poodle would not reinstate the service from the other locations.

By Decision 88238 dated December 13, 1977, the Commission revoked Poodle's authority to serve the Cities of Santa Rosa, Sebastopol and Cotati and the Community of Windsor.

Many of the former patrons of Poodle were able to utilize the service offered by Walter Henricksen; however, the persons commuting from Sebastopol were not provided the equivalent service that was available previously. The instant application remedies that situation.

The patronage of the service previously offered by Poodle which was authorized in 1969 and revoked recently shows that public convenience and necessity require the granting of this application. Applicant has the necessary equipment and expertise to successfully provide this service.

Notice of filing of this application appeared in the Commission's Daily Calendar on January 23, 1978. No protests have been received.

F I N D I N G S

1. Applicant has the ability, experience, equipment and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.
4. A public hearing is not necessary.

The Commission concludes that the proposed authority should be issued as provided in the following order.

Walter Henricksen 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 Walter Henricksen, an individual, 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 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 it accepts the certificate it 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 or 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 filings 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 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision 75945, which certificate is revoked effective and concurrently with the effective date of the tariff and timetable filings required by paragraph 2(b).

Because the Sebastopol passengers have been without transportation since the cessation of Poodle's service on October 3, 1977, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st day of MARCH, 1978.

Robert Batwinich
President
William Johnson Jr.
Yesson L. Sturgeon
Charles D. Howell
Clare T. DeLain
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS
A PASSENGER STAGE CORPORATION
PSC-851

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. 88625,
dated MAR 21 1978 of the Public Utilities Commission
of the State of California, in Application 57813.

The certificate herein stated supersedes all passenger stage corporation operating authority heretofore granted to Walter Henricksen.

Walter Henricksen, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers between the Cities of Healdsburg, Sebastopol, Santa Rosa, Cotati, Petaluma, and the Communities of Windsor and Penngrove, on the one hand, over the most appropriate public streets and highways subject to the following provisions:

1. Only passengers destined to or originating at the Mare Island Naval Shipyard shall be transported.
2. Service will be operated at times necessary to meet employee shift needs on regular working days.

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision No. 88625, Application No. 57813.