

Decision No. 89213

AUG 8 1978

ORIGINAL

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

In the matter of the Application of)  
Lois J. Kohler, doing business as )  
WEST VALLEY CHARTER LINES to )  
transfer a portion of a certificate)  
of Public Convenience and Necessity)  
and Norman S. Burnett, doing )  
business as B&B Commute Service, to)  
acquire, pursuant to Section 85 et )  
seq., of the California Public )  
Utilities Code. )

Application No. 57728  
(Filed December 6, 1977)

In the Matter of the Application of)  
Lois J. Kohler, doing business as )  
WEST VALLEY CHARTER LINES to )  
transfer a portion of a Certificate)  
of Public Convenience and Necessity)  
and Leo R. Disselkamp, Gary R. )  
Bowen and Ronald E. Ibold, doing )  
business as EAST VALLEY LINES to )  
acquire, pursuant to Section 85 et )  
seq., of the California Public )  
Utilities Code. )

Application No. 57729  
(Filed December 6, 1977)

In the matter of the Application of)  
Lois J. Kohler, doing business as )  
WEST VALLEY CHARTER LINES to )  
transfer a portion of a certificate)  
of Public Convenience and Necessity)  
and Cornelius Berghout, doing )  
business as CAMPBELL COMMUTE, to )  
acquire, pursuant to Section 85 et )  
seq., of the California Public )  
Utilities Code. )

Application No. 57731  
(Filed December 7, 1977)

In the matter of the Application of)  
Lois J. Kohler, doing business as )  
WEST VALLEY CHARTER LINES to trans- )  
fer a portion of a certificate of )  
Public Convenience and Necessity )  
and William C. Trader, doing busi- )  
ness as Overland Stage Line, to )  
acquire, pursuant to Section 85 et )  
seq., of the California Public )  
Utilities Code. )

Application No. 57920  
(Filed March 10, 1978)

(Continued)

A. 57728 et al - DLL

In the matter of the Application of)  
Lois J. Kohler, an individual, )  
doing business as West Valley Char- )  
ter Lines, to transfer and Whippet )  
Charter Service, Inc., to acquire, )  
a portion of a Certificate of )  
Public Convenience and Necessity, )  
pursuant to Section 85 et seq., of )  
the California Public Utilities )  
Code. )

Application No. 58083  
(Filed May 19, 1978)

In the matter of the Application of)  
Lois J. Kohler, an individual, )  
doing business as West Valley )  
Charter Lines to abandon a portion )  
of a Certificate of Public Conven- )  
ience and Necessity granted under )  
authority of Decision 85057 in )  
Case 9725 )

Application No. 58129  
(Filed June 8, 1978)

#### O P I N I O N

Lois J. Kohler operates home-to-work passenger stage service between the United Airlines Maintenance Base at the San Francisco International Airport and various specified points in the greater San Jose/Santa Clara Valley area, pursuant to Certificate of Public Convenience and Necessity PSC-887. By these applications, selected portions of this authority would be transferred to each of five transferees,<sup>1</sup> with the balance of the authority to be abandoned. With respect to the abandonment request (A. 58129), the application states that there "has been no demand for service" at these points "for approximately three years". Ms. Kohler cites the legalization and encouragement of van-pool operations as having "totally eliminated the need for passenger stage service between these specific points" and the United Airlines Maintenance Base.

Each of these six applications was listed in the Commission's Calendars. The Commission's Transportation Division staff has reviewed the applications and recommends that in the absence of protest or

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<sup>1</sup>While the applications refer to "Section 85 et seq., of the California Public Utilities Code", this is undoubtedly in error; Section 85<sup>1/2</sup> is the applicable citation concerning the need to obtain Commission authorization to transfer control of a public utility.

request for public hearing, they 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 transfers and abandonment would not be adverse to the public interest and concludes that these applications should be authorized as provided herein. We find that the proposed transferees possess financial fitness to conduct passenger stage operations on the routes transferred.

The order which follows will provide for, in the event all five of the requested transfers are completed as authorized, the revocation of Ms. Kohler's present Certificate of Public Convenience and Necessity (PSC-887). However, in the event not all of the five transfers are completed, then Ms. Kohler will have remaining operating authority and obligations to the public. In that eventuality, we will, by Supplemental Order, issue a corrected Certificate to Ms. Kohler.

Lois J. Kohler and each of the first four transferees have entered into written agreements to transfer specified portions of Ms. Kohler's operating authority and the sale of bus(es). Each of these agreements recites a valuation for the bus(es), and states that: "Concurrent with this sale, seller agrees to transfer to Buyer that portion of Seller's Certificate of Public Convenience and Necessity known as ...". All transferees are placed on notice that the authorizations granted shall not be construed as findings of value for rate-making purposes of the properties authorized to be transferred by this decision.

Transferees are 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 holders a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled 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 October 2, 1978, Lois J. Kohler may transfer the operative rights referred to in Application 57728, 57729, 57731, 57920 and 58083, to the transferees proposed therein, respectively.

2. By no later than October 2, 1978, each 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. By no later than October 23, 1978, each transferee shall file tariffs and timetables 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 applicable rates and rules of Lois J. Kohler, dba West Valley Charter Lines. The tariff and timetable filing shall be made effective November 6, 1978. The tariff and timetable filing 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 any of the five transfers authorized in Paragraph 1 is completed, effective November 6, 1978, a Certificate of Public Convenience and Necessity is granted to that transferee authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, as set forth in the applicable Appendix, attached hereto, and made a part hereof, as follows:

Appendix A	Norman S. Burnett
Appendix B	Leo R. Disselkamp, Garry R. Bowen and Ronald E. Ibold
Appendix C	Cornelius Berghout
Appendix D	William C. Trader
Appendix E	Whippet Charter Service, Inc.

A. 57728 et al - DLL

In the case of A. 58083, the proposed transferee (Whippet Charter Service, Inc.) is already a certificated passenger stage corporation; therefore, the attached Appendix E is an in lieu certificate and shall, in the event that this transfer is completed as authorized herein, replace and cancel Whippet Charter Service, Inc.'s presently effective passenger stage certificate, PSC-910.

5. Each transferee 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 insurance requirements of the Commission's General Order 101-Series.

6. Each transferee 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.

7. In the event all of the five authorized transfers are completed, then the Certificate of Public Convenience and Necessity granted by Decision 85057 to Lois J. Kohler is revoked, effective November 6, 1978.

8. In the event any, but not all, of the five authorized transfers is completed, then Lois J. Kohler shall continue service to all points not so transferred, in accordance with the tariffs and timetables in effect on the effective date of this order. The Commission will then issue a corrected Certificate to Ms. Kohler by Supplemental Order, formally setting forth her remaining operating authority. Transfer of any authority as herein authorized shall constitute acceptance of this order by Ms. Kohler.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 8th day of AUGUST, 1978.

Robert Batminal  
President

Virginia L. Sturgeon  
Robert D. Chandler

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dodrick, 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-1046

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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 89213,  
dated AUG 8 1978, of Public Utilities Commission  
of the State of California, in Application No. 57728.

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

Norman S. Burnett, dba B&B Commute Service, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described. Restrictions to specific shifts are as noted in Section 2. The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. 89213, Application 57728.



## SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United Airlines Maintenance Base at the San Francisco International Airport and the following points:

DAY SHIFT

El Camino & Lawrence Expressway, Santa Clara  
El Camino & Wolfe Road, Sunnyvale  
El Camino & Fair Oaks, Sunnyvale  
El Camino & Pastoria, Sunnyvale  
El Camino & Bernardo, Sunnyvale  
Fremont & Mary, Sunnyvale  
Fremont & Bernardo, Sunnyvale  
Bollinger & Lawrence Expressway, San Jose  
Bollinger & Johnson, San Jose  
Bollinger & Miller, San Jose

SWING SHIFT

Hillsdale & Ross, San Jose  
Camden & Curtner, San Jose  
Prospect at Saratoga, San Jose  
Prospect & Clarkspur, San Jose  
Highway 85 & Sunrise, Cupertino  
Highway 85 at El Camino, Sunnyvale  
El Camino & Mary, Sunnyvale  
El Camino & Bernardo, Sunnyvale

GRAVEYARD SHIFT

Camden & Curtner, San Jose  
Campbell Avenue at San Tomas Aquino Road, Campbell  
Prospect & Saratoga, San Jose  
Prospect & Clarkspur, San Jose  
Highway 85 at Sunrise, Cupertino  
El Camino & Bernardo, Sunnyvale

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. S9213, Application 57723.

Leo R. Disselkamp, Gary R. Bowen,  
and Ronald E. Ibold,  
dba  
EAST VALLEY LINES

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

TO OPERATE AS

A PASSENGER STAGE CORPORATION

PSC- 1047

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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Issued under authority of Decision 89213,  
dated AUG 8 1978, of the Public Utilities Commission  
of the State of California, in Application 57729.

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

Leo R. Disselkamp, Gary R. Bowen, and Ronald E. Ibold, a partnership dba East Valley Lines, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, are authorized to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described and to the day shift only.  
The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. S9213, Application 57729.

SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United  
Airlines Maintenance Base at the San Francisco  
International Airport and the following points:

DAY SHIFT ONLY

Monterey & Senter, San Jose  
McLaughlin & Loupe, San Jose  
McLaughlin & Bellingham, San Jose  
McLaughlin & Lago Court, San Jose  
Tully & King, San Jose  
Lakewood Drive & Lawrence Expressway, Sunnyvale  
Quimby & White, San Jose  
White at Mt. Pleasant, San Jose  
Story & White, San Jose  
White & McKee, San Jose

(END OF APPENDIX)

Issued by California Public Utilities Commission.

Decision No. 89213, Application 57729.

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

PSC- 1048

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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the Public Utilities Commission of the State of California  
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Issued under authority of Decision S9213  
dated AUG 8 1978, of the Public Utilities Commission  
of the State of California, in Application 57731.

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

Cornelius Berghout, dba Campbell Commute, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described and to the day shift only.  
The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. S9213, Application 57731.

SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United Airlines Maintenance Base at the San Francisco International Airport and the following points:

DAY SHIFT ONLY

1. Campbell Avenue at San Tomas Aquino Road, Campbell
2. San Tomas Aquino Road at Hamilton Avenue, San Jose
3. Saratoga Avenue at Payne, San Jose
4. Prospect Road and Saratoga Avenue, San Jose
5. Saratoga Avenue and Moorpark, San Jose

(END OF APPENDIX)

Issued by California Public Utilities Commission.

Decision No. AUG 8 1978, Application 57731.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

TO OPERATE AS

A PASSENGER STAGE CORPORATION

PSC- 1049

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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  
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Issued under authority of Decision 89213,  
dated AUG 8 1978, of the Public Utilities Commission  
of the State of California, in Application 57920.



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

William C. Trader, dba Overland Stage Line, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described and to the day shift only.  
The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. S9213, Application 57920.

SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United  
Airlines Maintenance Base at the San Francisco  
International Airport and the following points:

Day Shift Only

1. Branham Lane at Almaden Expressway, San Jose
2. Hillsdale Avenue at Ross Avenue, San Jose

(END OF APPENDIX D)

Issued by California Public Utilities Commission.

Decision No. 89213, Application 57920.

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
TO OPERATE AS  
A PASSENGER STAGE CORPORATION  
PSC-910

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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  
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Issued under authority of Decision 89213  
dated AUG 8 1978, of the Public Utilities Commission  
of the State of California, in Application 58083.

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Issued by California Public Utilities Commission.

Decision No. 89213, Application 58083.

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

This certificate supercedes all previous Certificates of Public Convenience and Necessity to operate as a passenger stage corporation issued to Whippet Charter Service, Inc., those preceding certificates being cancelled effective with the acceptance of this certificate.

Whippet Charter Service, Inc., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on passenger-carrying vehicles between the United Airlines Maintenance Base at the San Francisco International Airport and the points described herein, 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:

- (a) 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.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) Passengers shall be transported only between the service areas set forth herein, on the one hand, and the United Airlines Maintenance Base, on the other hand.
- (d) Service shall be operated only at times necessary to meet employee shift changes.
- (e) In the event of a strike, shutdown, or other closing of said airlines maintenance base, the service shall not be operated.
- (f) Service in Santa Clara County shall be further restricted in its shift to specified pickup and discharge points hereinafter described in Section 3, Routes II and III.

Issued by California Public Utilities Commission.

Decision No. 89213, Application 58083.

## SECTION 2. DESCRIPTION OF SERVICE AREAS.

A. Hayward Service Area

The City of Hayward and the area within a radius of three air miles of its corporate city limits.

B. Union City Service Area

The City of Union City and the area within a radius of three air miles of its corporate city limits.

C. Newark Service Area

The City of Newark and the area within a radius of three air miles of its corporate city limits.

D. Fremont Service Area

The City of Fremont and the area within a radius of three air miles of its corporate city limits, excluding any portion in Santa Clara County.

E. Milpitas Service Area

The northwesterly corner of South Park Victoria Drive and Landess Avenue intersection and the northwesterly corner of Landess Avenue and South Main Street (may also be known as Old Oakland Highway) in the City of Milpitas.

Issued by California Public Utilities Commission.

Decision No. 89213, Application 58083.

## SECTION 3. ROUTE DESCRIPTION.

Route I. Union City/Fremont/Newark/Hayward to the United Airlines Maintenance Base

Commencing at any point within the Union City service area, thence to the Fremont service area, thence to the Newark service area, thence via Union City service area to the Hayward service area, thence to the United Airlines Maintenance Base at the San Francisco International Airport, via any and all appropriate routes, and return via the same routing.

Route II. Union City/Milpitas to the United Airlines Maintenance Base

Commencing at the intersection of Dyer Street and Industrial Parkway SW in the City of Union City; thence continuing along Dyer Street to Alvarado-Niles Road; thence along Alvarado-Niles Road to State Highway No. 17 (also known as Nimitz Freeway), thence to the City of Milpitas; and the most direct and appropriate route to the United Airlines Maintenance Base at the San Francisco International Airport. Pick up and discharge points in the City of Milpitas and Santa Clara County are further restricted to the graveyard and swing shifts only and to the following points only:

N. Park Victoria Drive & Kennedy Drive  
Park Victoria Drive & Calaveras Blvd.  
S. Park Victoria Drive & Landess Ave.  
Trimble Road & Old Oakland Road  
Trimble Road & De La Cruz Blvd.

Route III. East San Jose/Sunnyvale to the United Airlines Maintenance Base

Between the following points only and the United Airlines Maintenance Base at the San Francisco International Airport, and restricted to the graveyard and swing shifts only:

Monterey & Senter, San Jose  
McLaughlin & Bellingham, San Jose  
Tully & King, San Jose  
Story & King, San Jose  
Quimby & White, San Jose  
Lakewood & Lawrence Expressway, Sunnyvale

(END OF APPENDIX E)

Issued by California Public Utilities Commission.

Decision No. S9213, Application 58083.