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ORIGINAL

Decision No. 89423 SEP 19 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of JACK McIVOR, doing business)
under the name and style of SANTA)
ROSA AIR PORTER SERVICE for)
transfer of its existing Passen-)
ger Stage Authority to SANTA ROSA)
AIRPORTER, INC., a corporation;)
and, SANTA ROSA AIRPORTER, INC.)
for authority to issue 600)
shares of stock.)

Application No. 58134
(Filed June 6, 1978)

O P I N I O N

Jack McIvor, doing business as Santa Rosa Air Porter Service, requests authority to transfer his Certificate of Public Convenience and Necessity to operate as a passenger stage corporation and certain related assets to Santa Rosa Airporter, Inc., and the latter seeks authority to issue 600 shares of common stock at \$10.00 per share for an aggregate value of \$6,000.00.

Jack McIvor's authority to operate as a passenger stage corporation was issued to him by Decisions Nos. 84663 and 86067 in Applications 55622 and 56492, respectively. Decision No. 84663 authorized the operations between the City of Santa Rosa and San Francisco International Airport. Decision No. 86067 authorized service between Petaluma and San Francisco International Airport.

Upon issuance to him of the 600 shares of stock, the applicant proposes to pay to the corporation \$5,000 in cash, and transfer all business equipment and office furniture having a total value of \$1,000 and the trade, business name, good will, and other intangible assets, including the lease of the premises where the business is conducted, and the lease of all business vehicles.

The purpose for the issuance of the securities is to facilitate transfer of ownership of the aforementioned business,

along with the lease of the premises, the lease of the vehicles, the cash, and the business equipment and office furniture from Jack McIvor to the corporation to be utilized by it in the corporate business.

After consideration, the Commission finds that:

1. The proposed transactions would not be adverse to the public interest.
2. The proposed stock issue would be for a proper purpose.
3. The money, property or labor to be procured or paid for by the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings, the Commission concludes that the proposed transfer should be authorized. The application was listed on the Commission's Daily Calendar of June 14, 1978. No protests have been received. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Jack McIvor, an individual doing business as Santa Rosa Air Porter Service, and the issuance of a certificate in appendix form to Santa Rosa Airporter, Inc.

Santa Rosa Airporter, Inc. 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 granting of such rights. Aside from their 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. The authorization herein granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1978, Jack McIvor, an individual doing business as Santa Rosa Air Porter Service, may sell and

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transfer the operative rights and other assets referred to in the application to Santa Rosa Airporter, Inc.

2. Within thirty days after the transfer Santa Rosa Airporter, Inc., 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. Santa Rosa Airporter, Inc., 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 it has adopted or established, as its own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days after the 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 Santa Rosa Airporter, Inc., authorizing it 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. Santa Rosa Airporter, Inc., on or after the effective date hereof and on or before December 31, 1978, may issue not exceeding 600 shares of its \$10 par value stock in exchange for assets totaling \$6,000.

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6. Santa Rosa Airporter, Inc., shall file with the Commission the reports required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

7. The Certificates of Public Convenience and Necessity granted by Decisions Nos. 84663 and 86067 are revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

8. Santa Rosa Airporter, Inc., 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.

9. Santa Rosa Airporter, Inc., 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.

10. The authority granted by this order to issue stock will become effective when Santa Rosa Airporter, Inc., has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which

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fee is \$50. In all other respects the effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 19th day of SEPTEMBER, 1978.

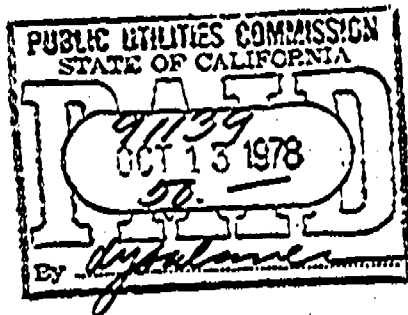
President
William J. Quinn

Vernon L. Strigman

Robert D. Gault

Clair L. DeLoach
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.



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Appendix A

SANTA ROSA AIRPORTER, INC.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE
AS A PASSENGER STAGE CORPORATION
PSC - 971

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. 89423,
dated SEP 19 1978, of the Public Utilities
Commission of the State of California, in Application No. 58134.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Jack McIvor, doing business as Santa Rosa Airporter or his predecessors.

Santa Rosa Airporter, Inc., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, as a passenger stage corporation is authorized to transport passengers and baggage between Santa Rosa and Petaluma, on the one hand, and San Francisco International Airport, on the other hand, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) All service herein authorized shall be limited to transportation of persons with origin or destination at Santa Rosa or Petaluma on the one hand and San Francisco International Airport on the other hand.
- (c) No service may be rendered to intermediate points.
- (d) Vehicles used in this service shall not exceed a capacity of twelve (12) passengers.

Issued by California Public Utilities Commission.

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Appendix A

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SECTION 2. ROUTE DESCRIPTION.

Route 1. - Santa Rosa - Petaluma - San Francisco International Airport.

Beginning at the Coddington Shopping Center in Santa Rosa, California, by the most judicious route to U.S. 101, thence by way of U.S. 101, to Washington Street cutoff to the Petaluma Inn, Petaluma, return, and continue on U.S. 101, Park Presidio Boulevard (San Francisco), 19th Avenue, Junipero Serra Boulevard, Junipero Serra Freeway (I-280), I-380, thence via the most judicious route to the passenger terminal at San Francisco International Airport.

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