

es/ai

ORIGINAL

Decision No. 89532

OCT 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THOMAS ALLEN JOHNSON,)
dba QUICKSILVER STAGE LINES, for a)
Class "B" certificate to operate as)
a charter-party carrier of passengers,)
Mammoth Lakes. (File No. TCP-60-B.))

Application No. 58052
(Filed May 5, 1978)

Thomas A. Johnson, for himself,
applicant.
Thomas Enderle, for the Commission
staff.

O P I N I O N

Applicant requests authority to operate as a Class "B" charter-party carrier of passengers from Mammoth Lakes, in Mono County. Applicant will provide service with a 1961 40-passenger G.M.C. bus and a 1951 Crown Coach 44-passenger bus. His bank is the Bank of America in Mammoth Lakes, California, and his insurance broker is Jim Lackey Insurance in Bishop, California.

A public hearing was held in Bishop on August 2, 1978 before Administrative Law Judge William A. Turkish pursuant to Section 5375.1 of the Public Utilities Code, and the matter was submitted on August 15, 1978 upon the receipt of a late-filed exhibit. Applicant testified in his own behalf. There were no protestants present at the hearing.

Applicant testified that there are no charter-party carriers of passengers presently based in Mammoth Lakes. He testified that he currently carries public liability insurance in the minimum amount required by the Commission. He stated that there are local residents of Mammoth Lakes, a skiing and fishing resort, who desire to take trips and who indicated a desire to utilize charter bus service in the area. One such group of residents are members of an historical society who travel to various historical sites in the area to put up historical plaques. The nearest Class "B" charter-party carrier of passengers is located in Bishop, 45 miles away from Mammoth Lakes. In addition, applicant stated a need during the winter to carry skiers to the ski area from the village of Mammoth Lakes. Applicant further testified that he has five years of experience in bus operations as an operations manager and as an assistant supervisor.

Applicant has assets valued at \$9,000 and liabilities of \$5,000. The balance owed on applicant's operating equipment comprises the total amount of liability.

There was no opposition to the application by the Commission staff.

Findings of Fact

1. Applicant will provide service as a charter-party carrier of passengers with headquarters in Mammoth Lakes, California.
2. There are no other charter-party carriers of passengers within 40 miles of Mammoth Lakes.
3. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.

4. Public convenience and necessity require that the service proposed by applicant be established.

5. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 370115 Berner Street, Mammoth Lakes, California.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

Thomas Allen Johnson, dba Quicksilver Stage Lines, 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, to be renewed each year, shall be issued to applicant Thomas A. Johnson, dba Quicksilver Stage Lines, authorizing him to operate as a Class "B" charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 air miles from applicant's home terminal at 370115 Berner Street, Mammoth Lakes, California.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following

service regulation. Failure so to do may result in a cancellation of the operating authority.

Applicant will be required, among other things, to comply with and observe the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 115-Series.

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

Dated at San Francisco, California, this 17th day of OCTOBER, 1978.

President
William J. ...
...
Richard W. ...
Clair T. ...
Commissioners

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