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ORIGINAL

Decision No. 89688 NOV 28 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LOMA LINDA ACADEMY,  
a corporation, for a Class B  
certificate to operate as a charter-  
party carrier of passengers. (File  
No. TCP-57-B.)

Application No. 57937  
(Filed March 20, 1978)

O P I N I O N

This is an application by Loma Linda Academy, a corporation, for a Class B charter-party carrier of passengers certificate. Applicant's purpose is to provide transportation of students to its school, and it has stipulated that its operation shall be limited to only those students enrolled at either Loma Linda University or to members of the Campus Hill Church of 7th Day Adventists of Loma Linda, University Church of 7th Day Adventists of Loma Linda, Azure Hill 7th Day Adventists Church of Colton, Valley Fellowship Church of 7th Day Adventists of San Bernardino, Loma Linda Korean Church, and Filipino 7th Day Adventists Church of Loma Linda.

The application states that members and students are transported in two vehicles, a 1972 Dodge Van having a seating capacity of 12 persons (license number 466 FAL) and a 1960 GMC bus having a seating capacity of 41 persons (license number Y 89835). Both vehicles are owned by applicant, the net worth of which is shown on its balance sheet of January 31, 1978 at \$1,442,815.98.

Pro forma protests filed by Greyhound Lines, Inc., American Bus Lines, Inc., and Trailways, Inc., were waived as a result of applicant's agreeing to its proposed service being limited to the foregoing specific purposes. Loma Linda Academy, a nonprofit California corporation, is doing business at its home terminal located at 10656 Anderson Street, Loma Linda.

Findings

1. Public convenience and necessity require that the service proposed by applicant be authorized.

2. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed service.

3. Applicant's terminal is located at 10656 Anderson Street, Loma Linda.

4. The proposed service should be restricted as follows:

"Operations shall be limited to only those students enrolled in either Loma Linda University or to those members of: the Campus Hill Church of 7th Day Adventists of Loma Linda, University Church of 7th Day Adventists of Loma Linda, Azure Hills 7th Day Adventists Church of Colton, Valley Fellowship Church of 7th Day Adventists of San Bernardino, Loma Linda Korean Church and Filipino 7th Day Adventists Church of Loma Linda."

5. Greyhound Lines, Inc., American Bus Lines, Inc., and Continental Trailways, Inc., serve the requested territory, but are not providing services which are adequate for the public; applicant seeks to serve and, therefore, their services are not satisfactory to the Commission.

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.

Applicant 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 a certificate of public convenience and necessity, to be renewed each year, is granted to Loma Linda Academy, a corporation, authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from its home terminal at 10656 Anderson Street, Loma Linda, subject to the restrictions set forth in Finding 4 above.

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

Dated at San Francisco, California, this 28th day of NOVEMBER, 1978.

Robert Bateman  
President

William Lyons Jr.

Robert D. Gould

Clair T. Delbert  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.