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DEC 12 1978

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of

EDUCATIONAL & RECREATIONAL SERVICES, INC. [Seller] and SAN CLEMENTE STAGE LINES, INC. [Purchaser]

Application No. 58381 (Filed September 25, 1978)

for authority to transfer certain passenger stage corporation authority pursuant to Public Utilities Code § 851.

O P I N I O N

By this application, Educational and Recreational Services, Inc. (ERS) seeks authority to sell and San Clemente Stage Lines, Inc. (SCSL) seeks authority to buy certain operative rights and equipment owned by the former.

The operative rights consist of the certificate of public convenience and necessity (PSC-950) to operate as a passenger stage corporation between certain camps in Camp Pendleton Marine Base, on the one hand, and the City of San Clemente and Disneyland in the City of Anaheim, on the other hand. The equipment to be transferred consists of one 1961 Crown bus and one 1963 Crown bus. The passenger stage certificate was issued by Decision 87669 in Application 57168.

The seller and purchaser have entered into a written agreement on the terms and conditions for the transfer. The parties have agreed to a purchase price of \$36,000 for the buses and operating authority. Included in this amount is a cost of \$25,000 for the operating authority.

The application was listed on the Commission's Daily Calendar of September 27, 1978. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest it should be granted ex parte. No protest has been received. A public hearing is not necessary.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. The Commission concludes that the transfer should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Educational and Recreational Services, Inc. and the issuance of a certificate in appendix form to San Clemente Stage Lines, Inc.

Buyer 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.

The authorization granted shall not be construed as a finding of value of the rights and properties authorized to be transferred.

#### ORDER

IT IS ORDERED that:

1. On or before March 1, 1979, Educational and Recreational Services, Inc. may sell and transfer the operative rights and property referred to in the application to San Clemente Stage Lines, Inc.
2. Within thirty days after the transfer, the purchaser 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. Purchaser 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 ten days after the effective date of this order on 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 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 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 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 San Clemente Stage Lines, Inc., a corporation, 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 set forth in Appendix A of this decision.

5. The certificate of public convenience and necessity granted by Decision 87669 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Purchaser 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 101-Series.

7. San Clemente Stage Lines, 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.

A. 58381 AM

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

Dated at San Francisco, California, this 12<sup>th</sup> day of DECEMBER, 1978.

Robert Bateman  
President

William Lyons, Jr.

Vernon L. Sturgeon

Robert C. Gould

Philip T. DeLuca  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
NO.- 950  
TO OPERATE AS  
A PASSENGER STAGE CORPORATION

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 89748  
dated DEC 12 1978 of the Public Utilities Commission of  
the State of California, in Application 58381.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS

San Clemente Stage Lines, Inc., a corporation, is authorized to transport passengers:

1. Between the City of San Clemente, on the one hand, and Camps San Onofre, Horno, San Mateo, Talega and Christianitos, on the other hand, over and along the routes hereinafter described, subject to the following condition:

All passengers originating at or destined to the City of San Clemente shall originate at or be destined to Camp San Onofre, Camp Horno, Camp San Mateo, Camp Talega or Camp Christianitos.

2. Between Disneyland, City of Anaheim, on the one hand, and Camps San Onofre, Horno, San Mateo, Talega and Christianitos, on the other hand, over and along the route hereinafter described, subject to the following condition:

All passengers originating at or destined to Disneyland, City of Anaheim, shall be destined to or originate at Camp San Onofre, Camp Horno, Camp San Mateo, Camp Talega or Camp Christianitos. Such service shall be operated on an "on-call" basis, subject to a minimum of 12 passengers.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS (Continued)

3. Operations shall be conducted over and along the routes hereinafter described, subject to the following conditions:
- (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.

## SECTION 2. ROUTE DESCRIPTIONS

Route No. 1. Camp San Onofre - Camp Horno

Commencing at applicant's terminal in San Clemente; thence via El Camino Real (U.S. Highway 101), Santa Ana Freeway, Basilone Road, to the Camp San Onofre gate. Return via the reverse of the going route.

Route No. 2. Camp San Mateo - Camp Christianitos - Camp Talega

Commencing at applicant's terminal in San Clemente; thence via El Camino Real (U.S. Highway 101) to the Camp San Mateo gate. Return via the reverse of the going route.

Route No. 3. Camps San Onofre, Horno, San Mateo, Talega, or Christianitos - Disneyland, City of Anaheim

Commencing at gates to Camps San Onofre, Horno, San Mateo, Talega or Christianitos; thence via Interstate Highway 5 (San Diego Freeway and Santa Ana Freeway), Katella Avenue, Anaheim, and West Street to Disneyland. Return via reverse of going route.

( END OF CERTIFICATE )

Issued by California Public Utilities Commission.

Decision 89748, Application 58381.