

ORIGINALDecision No. 90161 APR 10 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of STORER TRANSPORTATION SERVICE,
INC., a California corporation,
for a passenger stage certificate
authorizing the transportation of
passengers and their baggage
between certain designated points
within the state of California.

Application No. 58434
(Filed October 25, 1978;
amended November 6, 1978
and January 4, 1978 [sic])

O P I N I O N

By this application Storer Transportation Service, Inc. (Storer) applies for a passenger stage certificate pursuant to Sections 1031 through 1038 of the California Public Utilities Code (Code), authorizing the transportation of passengers and their baggage to and between those points and subject to those conditions and restrictions all as set forth and outlined in the proposed passenger stage schedule of routes and transportation charges attached to its application and marked Exhibit A, as amended.

Storer points out that the services proposed to be performed in intrastate commerce are presently being provided in interstate commerce pursuant to certificated operating authority issued to it by the Interstate Commerce Commission (ICC) in Docket No. MC-15401 and subs thereunder. Storer also operates a passenger stage business for the transportation of passengers and their baggage and express and newspapers in the same vehicle with passengers between Modesto, Riverbank, and Oakdale pursuant to certificated authority issued to it by this Commission in Certificate No. 930. In addition thereto, Storer also owns and operates under a Class A charter-party carrier of passengers certificate issued to it in TCP-188A. It is alleged

that the authority requested herein will simply supplement Storer's existing services conducted under the authority set forth above.

The matter was protested by Greyhound Lines, Inc., American Bus Lines, Inc., and Trailways, Inc.

Storer, after consulting with the protestants, has amended its application by letter dated January 4, 1978 [sic], received by the Commission on January 5, 1979, wherein it strikes from said Exhibit A, as amended, the following designated tours:

1. Stanislaus County - Oakland (p. 5).
2. Stanislaus County - San Francisco (p. 6).
3. Manteca - Oakland (p. 9).
4. Manteca - San Francisco (p. 10).
5. Merced County - Oakland (p. 13).
6. Merced County - San Francisco (p. 14).

By letters dated January 9, 1979 and January 22, 1979, the protestants indicate that said amendment satisfies their interest in the application and they, in effect, withdraw their protest.

Storer alleges that public convenience and necessity require the proposed service for the following reasons: Storer has conducted charter-bus service to and between points throughout the entire State of California for a substantial period of time under the existing authority for what are considered to be affinity groups. The fact that Storer was handling this type of transportation on charter trips is a matter of interest to the general public. By reason thereof, Storer has received a considerable number of calls and requests from members of the public inquiring whether individuals could join these charter trips to various points of interest and pleasure throughout the State. By reason of its existing charter authority, Storer was unable to respond to these requests for participation on a per capita basis.

An investigation was made to determine to what extent, if any, such service, as proposed herein, was presently available to the general public. This investigation revealed that no such service is presently available where trips and/or tours proposed to be handled by Storer under the authority requested herein originate at a point or points within the geographical area embraced by this application (San Joaquin, Stanislaus, and Merced Counties).

Storer further submits that by reason of its vast experience in the bus industry it has the necessary experience, resources, and wherewithal to perform the proposed service. Storer points out that the service proposed is presently being provided in interstate commerce pursuant to certificate authority having been previously issued to it by the ICC as indicated above. Therefore, it is obvious that Storer has the experience to conduct trips both on a charter as well as on a per capita basis. The trips proposed to be handled under the authority requested herein will be virtually identical with those trips and sightseeing tours which Storer is presently performing in interstate commerce and, from an operational standpoint, virtually tantamount to those charter trips which it is making available to the public in intrastate commerce pursuant to its existing authority. Virtually the same equipment will be used to perform this transportation as is being presently used in both intrastate and interstate commerce pursuant to existing operating authority.

By reason of the economic and energy crisis which our country is presently experiencing, Storer submits that there has been a substantial increase in the use of buses, particularly for sightseeing and pleasurable purposes and particularly by senior citizens. There being no service presently available within the State of California, Storer submits that, by reason of the foregoing, public convenience and necessity require the issuance of the proposed authority.

Exhibit D to the application shows that Storer has 10 buses ranging in size from 39- to 47-passenger capacity and ranging in age from 1962 through 1977 model years. Exhibit C to the application consists of a balance sheet as of December 31, 1977 which shows an undistributed surplus of \$288,198.78 and a statement of profit and loss for the nine months ending September 30, 1978 which shows a net profit of \$86,374.31.

Findings of Fact

1. The protestants have withdrawn their protests and a public hearing is not necessary.
2. Storer has the financial ability, experience, and equipment to undertake and implement the proposed service.
3. Public convenience and necessity have been demonstrated for the proposed service.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. The transportation charges set forth in Exhibit A, as amended, are reasonable for the transportation services proposed.

Conclusion of Law

A certificate of public convenience and necessity should be issued to Storer as set forth in the order and appendix which follow.

Storer 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 is granted to Storer Transportation Service, 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.

2. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 81558, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3(b).

3. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) 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 establishment of the authorized service.

- (d) The tariff and timetable filings made pursuant to this order shall comply 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.
- (e) Applicant 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.

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

Dated at San Francisco, California, this 10th day of APRIL, 1979.

John E. Boyan
President
Raymond L. Sturgeon
Richard B. Ghera
Philip J. Delprich
Arnold W. Jones
Commissioners

Appendix A

STORER TRANSPORTATION
SERVICE, INC.
(a corporation)

Original Title page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A
PASSENGER STAGE CORPORATION
PSC - 930

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. 90161
dated APR 10 1979 of the Public Utilities Commission
of the State of California, in Application No. 58434.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Storer Transportation Service, Inc.

Storer Transportation Service, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to:

1. Transport passengers, baggage, mail, and express between Modesto, Riverbank, and Oakdale, all in Stanislaus County and certain territories intermediate and adjacent thereto, 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 operation in either direction unless otherwise indicated.
- (c) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.

Issued by California Public Utilities Commission.

Decision No. 90161, Application No. 58434.

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

2. Transport sightseeing passengers and their baggage over and along the most appropriate routes between the origin service points for designated tours 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) All service herein authorized shall be limited to the transportation of round-trip passengers and their baggage only.
- (b) Applicant shall not pick up or discharge passengers except within the limits of specified service points as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit points of interest along the route.
- (c) Each tour shall be conducted for a minimum of twenty-five (25) persons.
- (d) Motor vehicles may be turned at termini and intermediate points, in either direction, at the intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (e) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

Issued by California Public Utilities Commission.

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SECTION 2. TOUR SERVICE POINTS.

Passengers may be picked up and discharged at any of the following described points, subject to local traffic conditions:

1. Stanislaus County
 - a. Turlock
 - b. Newman
 - c. Modesto-Terminal - 3519 McDonald Avenue
 - d. Ceres
 - e. Riverbank
 - f. Oakdale
 - g. Patterson
2. San Joaquin County
 - a. Manteca
3. Merced County
 - a. Merced
 - b. Delhi
 - c. Los Banos
 - d. Livingston
 - e. Gustine

For the sightseeing operation, service shall be limited to the transportation of passengers desiring to attend sightseeing tours described in the route descriptions and shall be on a round-trip basis only. Reservations to be arranged in advance and include transportation pickup points in the above-named cities without a terminal.

SECTION 3. ROUTE DESCRIPTION.

I. Modesto Riverbank and Oakdale Operation

A single route commencing at the Greyhound Bus Depot, 10th and G Streets, Modesto, thence running north on 10th Street, east on J Street, north on McHenry Avenue to its junction with the Oakdale-Riverbank Highway (State Highway 108), east on Highway 108, east on Patterson Road, southeast to AMTRAK Station at Riverbank, return to and east on Patterson Road, north on 3rd Street to the junction of State Highway 108, east on Highway 108 and to Clark's Stage Depot, 116 N. Yosemite Avenue, Oakdale.

SECTION 3. ROUTE DESCRIPTIONS. (CONTINUED)

II. Sightseeing Operations

Commencing at 3519 McDonald Avenue, Modesto, thence over the most appropriate streets, roads and freeways to any of the aforesaid service points described in Section 2, or combination thereof; thence over the most appropriate streets, roads and freeways to the following described sightseeing points of interest or combination thereof for any authorized tour; thence returning over appropriate streets, roads and freeways to the point of beginning. The tours authorized are:

Tours

- No. 1 - Bear Valley Ski Area via State Sign Route 4;
- No. 2 - Dodge Ridge Ski Area via State Sign Route 108;
- No. 3 - Kirkwood Ski Area via State Sign Route 88;
- No. 4 - Napa County Wine Tour;
- No. 5 - San Francisco-Sausalito returning via Richmond Bridge;
- No. 6 - Monterey and Carmel;
- No. 7 - Mother Lode Tour between Sonoma and Auburn via State Sign Route 49 returning via Sacramento;
- No. 8 - San Simeon-San Luis Obispo-Solvang (3 days);
- No. 9 - Fort Bragg and Willits-Napa Valley Wine Tour (2 days);
- No. 10 - Los Angeles basin (3 days);
- No. 11 - Los Angeles basin (5 days).

Refer to current brochure for details on sights of interest along the tour.

(END OF APPENDIX A)