

tt

Decision No. 90682 AUG 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Peerless Stages,)
 Incorporated, a California Cor-)
 poration, for a certificate of)
 Public Convenience and Necessity)
 to operate Passenger Stage)
 Service between Oakland, San)
 Francisco, Daly City, San Jose,)
 Fremont, Berkeley, El Cerrito,)
 Richmond, San Leandro, Hayward,)
 Palo Alto, and Santa Clara and)
 San Carlos; and to establish)
 fares.)

Application No. 58840
 (Filed May 3, 1979)

O P I N I O N

By Decision No. 58790, as amended, Peerless Stages, Inc. (Peerless) was granted authority as a passenger stage corporation (PSC-121) to transport passengers, baggage and express between certain points in the Counties of Alameda, Santa Clara, and Santa Cruz. Peerless also operates as a charter-party carrier of passengers (TCP-18A) both in intrastate and interstate transportation.

By this application, Peerless seeks authority to inaugurate a passenger stage service pursuant to Sections 1031 et. seq., of the Public Utilities Code between the Cities of Oakland, San Francisco, Daly City, San Jose, Fremont, Berkeley, El Cerrito, Richmond, San Leandro, Hayward, Santa Clara, and Palo Alto, California, on the one hand, and the Circle Star Theater, San Carlos, California, on the other hand. Peerless proposes to furnish transportation between the above points only to those persons desiring to attend performances at the Circle Star Theater. Peerless further alleges, that the proposed operation is required by public convenience and necessity since there is no direct passenger stage service between the above points and the Circle Star Theater and that there are many people who desire to attend performances at the Circle Star Theater but are unable to do so because of the lack of a direct service.

All passenger stage tickets are to be sold on a reserved seat basis with one fare of \$4.95 from all points. All passengers are to be ticketed through approved entertainment agencies, such as Ticketron. The aforementioned does not include admission price to the Circle Star Theater. Peerless request exemption from the provisions of Sections 453 and 460 of the Public Utilities Code relating to discrimination and long- and short-haul.

Peerless refers to the equipment record and financial statements currently on file with the Commission in support of applicant's ability to perform the proposed service.

The application was listed on the Commission's Daily Calendar of May 7, 1979. The Commission's Transportation Division staff has reviewed the application and recommends that, in the absence of protest or request for public hearing, it be granted by ex parte order. No protest or request for hearing has been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds that:

1. Public convenience and necessity require that applicant be authorized to provide the proposed service.
2. It can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.
3. The applicant possesses sufficient financial ability to initiate the proposed transportation services.
4. The proposed service will not be discriminatory since applicant holds itself out to transport any person desiring to attend the Circle Star Theater from the points it proposes to serve and applicant will charge a common fare.
5. Since there is one fare from all points the long - and short-haul provisions of Section 460 of the Public Utilities Code are not violated.

C O N C L U S I O N

The Commission concludes that the application should be granted as provided in the order which follows.

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 granting 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. The certificate of public convenience and necessity of Peerless Stages, Inc. is modified authorizing it to extend its operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the Cities of Oakland, San Francisco, Daly City, San Jose, Fremont, Berkeley, El Cerrito, Richmond, San Leandro, Hayward, Santa Clara, Palo Alto, California, on the one hand and the Circle Star Theater, San Carlos, California, on the other hand.
2. Appendix A of Decision No. 58790 in Application No. 41106 is amended by incorporating Original Page 21 attached hereto.
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 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

A. 58840 - FS

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

Dated AUG 14 1979 , at San Francisco, California.

John E. Guyon
President
Vernon L. Sturgeon
Richard D. Gravelle
Richard D. Gravelle
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Route Group II

- Route II-A Between the Cities of Richmond, Berkeley, Albany, El Cerrito, Emeryville, Oakland and San Francisco on the one hand and Circle Star Theater, Industrial Way, San Carlos on the other hand and return.
- Route II-B Between the Cities of Oakland, San Leandro, San Lorenzo, Hayward, Castro Valley and Fremont on the one hand and Circle Star Theater, Industrial Way, San Carlos on the other hand and return.
- Route II-C Between the Cities of San Jose and Santa Clara on the one hand and Circle Star Theater, Industrial Way, San Carlos on the other hand and return.

Restrictions:

Passengers shall be limited to those having either origin or destination at Circle Star Theater, Industrial Way, San Carlos and service shall be provided at time when shows at Circle Star Theater occur. Route II-A, II-B and II-C may be combined.

Issued by California Public Utilities Commission

Decision No. 80682, Application No. 58840.