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Decision No. 90901 OCT 10 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of John Mitchell Hughett and Glen)
Holden Esrig)
For certificate of public conven-)
ience and necessity to operate a)
Passenger and Express service)
between Goethe Park, Sacramento)
and Sunrise Boulevard at American)
River access (American River Raft)
Rental).)

Application No. 58973
(Filed July 3, 1979)

O P I N I O N

John Mitchell Hughett and Glen Holden Esrig seek a certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation transporting rafters and their rafts, all rented equipment and personal property incidental to rafting. The proposed service area would be from Goethe Park in Rancho Cordova to the American River Raft Rental at 11257 Bridge Street in Rancho Cordova, California. Applicants propose to operate Saturdays, Sundays and holidays, leaving Goethe Park on the hour, every hour starting at noon and operating until and including 7:00 p.m. during the summer season, starting in the latter part of May and ending in the middle of October. Applicants plan to use a 55-passenger school bus and to charge individual fares of \$2.00 for transportation of the rafter, his raft and personal property.

In support of their application, applicants allege as follows:

1. There is a definite need for the service of transporting rafters on the American River from the point where they leave the river to the point where they enter the river.

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2. The need is evidenced by the congested traffic patterns at these points and the number of traffic accidents involving the rafters.

3. Applicants have contacted the Park and Recreation District in Sacramento, and have learned that the Park and Recreation District feels there is a need for this service.

4. The proposed service will benefit the community, the rafters, the parks, and the environment in and around the American River.

Exhibit E, attached to the application, indicates that total assets exceed the applicants' total liabilities.

Notice of the application appeared on the Commission's Daily Calendar. A copy of the application was mailed to the City and County of Sacramento and to the interested parties. No protests have been received. A public hearing is not necessary. The project involved in this proceeding will not have a significant effect on the environment.

We find that the applicants have the financial resources and ability to operate the proposed service. We find that public convenience and necessity require that the application be granted and conclude that the certificate set forth in Exhibit A should be issued to applicants.

Applicants are 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 holders 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 John Mitchell Hughett and Glen Holden Esrig, partners, authorizing them 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. In providing service pursuant to the authority granted by this order, applicants shall comply with the following regulations. Failure so to do may result in a cancellation of the authority.
 - (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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) Applicants shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office on or before June 7, 1980.
 - (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.

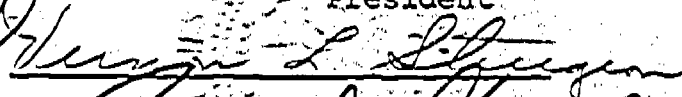
- (e) Applicants shall maintain their accounting records on a calendar-year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order is the date hereof to accommodate the recreation season which has now commenced.

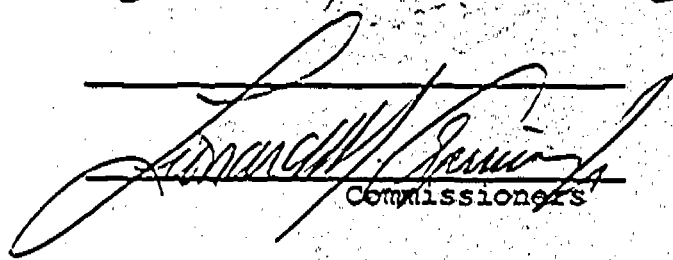
Dated OCT 10 1979, at San Francisco, California.



President







Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE
AS A PASSENGER STAGE CORPORATION
PSC- 1085

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. 90301,
dated OCT 10 1979, of the Public Utilities
Commission of the State of California, in Application No. 58973.

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

John Mitchell Hughett and Glen Holden Esrig, by the certificate of public convenience and necessity granted by the decision noted in the margin are authorized to transport rafters and their rafts for recreational purposes between points adjacent to the American River in Sacramento County, as hereinafter described, in Section 2; 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 the intersections of roads or by operating around an area 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) Service shall be operated Saturday, Sunday and holidays, during the seasonal period May through October of each year.
- (d) Applicant shall not pick up or discharge passengers except at the specified service point or points as hereinafter set forth.

Issued by California Public Utilities Commission.

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SECTION 2. SERVICE POINTS.

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

1. Downstream Pickup Point
 - (a) Goethe Park in Rancho Cordova
2. Upstream Discharge Point
 - (a) American Raft Rental at 11257 Bridge Street in Rancho Cordova.

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SECTION 3. ROUTE DESCRIPTIONS.

Beginning at the designated pick-up point of Goethe Park, southerly along Rod Beaudry Drive to Folsom Boulevard; thence easterly along Folsom Boulevard to Mills Park Drive; thence southerly on Mills Park Drive to Highway 50; thence easterly on Highway 50 to Sunrise Boulevard; thence northerly on Sunrise Boulevard to the American River Raft Rental.

(END OF APPENDIX A)

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