

Decision No. 90902 OCT 10 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Joel B. Sachs and William Furey as
partners, dba El Toro-Mission Viejo
Coach for authority to operate as a
passenger stage corporation in a
home-to-work service between points
in Orange County and the Downtown
Los Angeles Area.

Application No. 59016
(Filed July 25, 1979)

O P I N I O N

Joel B. Sachs and William Furey, a partnership doing business as El Toro-Mission Viejo Coach, requests a certificate of public convenience and necessity to operate as a passenger stage corporation in a "home-to-work" service between certain points in Mission Viejo and El Toro, on the one hand, and designated stops in downtown Los Angeles, on the other hand.

Applicant proposes the use of one 1959 General Motors 51-passenger bus for the service, with access to another identical vehicle for backup protection. Proposed schedules will depart 5 days a week from Mission Viejo at 6:00 A.M., from El Toro at 6:15 A.M., and will arrive in downtown Los Angeles (in the vicinity of the Arco towers) at 7:45 A.M. The return trip will leave downtown Los Angeles at 4:30 P.M. and will arrive at El Toro at 6:00 P.M., and at Mission Viejo at 6:10 P.M. Applicant intends to charge each passenger a \$30.00 weekly fare.

The application was listed on the Commission's Daily Calendar on July 27, 1979. Copies of the application were furnished to potentially affected private bus companies, public transit districts, and cities. On August 20, 1979, Southern California Rapid Transit District (SCRTD) advised by letter to the Commission that the requested service could duplicate similar services now provided by transfer between SCRTD and the Orange County Transit District. Although it did not officially protest the application or seek a public hearing,

SCRTD requested that the certificate of public convenience and necessity, if granted, contain the provision that neither SCRDT nor the Orange County Transit District be precluded from establishing similar services in the future. Since SCRDT's request comports with a uniform policy by that district, generally upheld by the Commission in recognition of SCRDT's rights pursuant to Section 30637 of the Public Utilities Code, the ensuing order will provide for the sought limitation on applicant's authority. ~~Since there were no other written comments concerning the application, a public hearing is not necessary. The Commission's Transportation Division staff, therefore, recommends that the sought authority be granted by ex-parte order.~~ KH

After consideration the Commission finds that public convenience and necessity require the granting of the application. It can be seen with certainty that there is no possibility that the project involved in this proceeding may have a significant effect on the environment. A public hearing is not necessary.

Joel B. Sachs and William Furey 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 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 Joel B. Sachs and William Furey, a partnership doing business as El Toro-Mission Viejo Coach, authorizing them to

operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, between points in Mission Viejo and El Toro, on the one hand, and downtown Los Angeles, on the other hand, and subject to the conditions set forth in Appendix A of this decision.

2. The Certificate of Public Convenience and Necessity authorized in Ordering Paragraph 1 shall not preclude either the Southern California Rapid Transit District or the Orange County Transit District from, in the future, establishing service along the identified route.

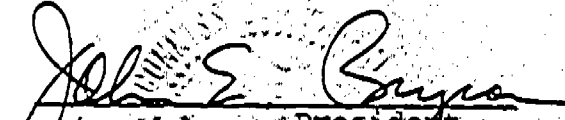
3. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure to do so may result in a cancellation of this authority:

- (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 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 98-Series and the insurance requirements of the Commission's General Order 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicants 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 five days after the effective date of this order on not less than five 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 79-Series and 98-Series.
- (3) 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 their 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 immediate need for this ~~noncontroversial~~ transportation service. Kn

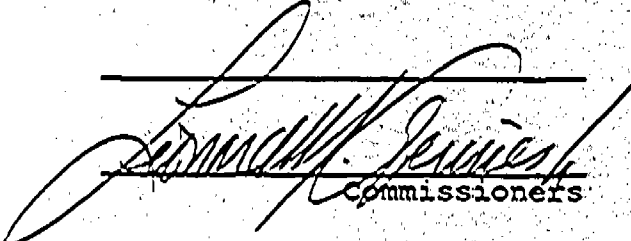
Dated OCT 10 1979, at San Francisco, California.



 President







 Commissioners

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

am

Appendix A

Joel B. Sachs
and William Furey
doing business as
EL TORO-MISSION VIEJO COACH

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC - 1086

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. 90302
dated OCT 10 1979, 1979, of the Public Utilities
Commission of the State of California, in Application No. 59016.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, AND SPECIFICATIONS.

Joel B. Sachs and William Furey, a partnership doing business as El Toro-Mission Viejo Coach, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation "home-to-work" between points in Mission Viejo and El Toro, on the one hand, and downtown Los Angeles, on the other hand, over the most convenient and direct routes. This certificate is subject to authority by this Commission to change or modify points of service or routes traveled at any time and subject to the following conditions:

- (a) Passengers shall be loaded and unloaded only at points specified in Section 2.
- (b) Availability of seating will depend upon advance purchase of weekly tickets by passengers.
- (c) This authority shall not preclude either the Southern California Rapid Transit District or the Orange County Transit District from, in the future, establishing service along the identified route.

SECTION 2. ROUTE DESCRIPTION.

<u>SERVICE:</u>	<u>POINT:</u>	<u>CITY:</u>
Pickup and Discharge	Vicinity of Gemco Department Store (24500 Alicia Parkway)	Mission Viejo
Pickup and Discharge	Vicinity of K Mart Discount Store (23691 El Toro Road)	El Toro

Appendix A

Joel B. Sachs
and William Furey
doing business as
EL TORO-MISSION VIEJO COACH

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SECTION 2. ROUTE DESCRIPTION. (Continued)

<u>SERVICE:</u>	<u>POINT:</u>	<u>CITY:</u>
Discharge only	Intersection of Los Angeles Street and Arcadia Street	Los Angeles
Pickup and Discharge	Intersection of First Street and Broadway	Los Angeles
Discharge only	Intersection of Sixth Street and Grand Avenue	Los Angeles
Pickup only	Vicinity of California Club (538 S. Flower Street)	Los Angeles
Pickup only	Intersection of Main Street and Macy Street	Los Angeles

(END OF APPENDIX A)