

Decision No. 91046 NOV 20 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Raymond W. Morgan for certi- )  
ficate of public convenience and )  
necessity to operate as a Passen- )  
ger Stage service between Napa, )  
California and Mare Island Naval )  
Shipyards, Vallejo, California. )

Application No. 58819  
(Filed April 23, 1979)

O P I N I O N

By the above application, Raymond W. Morgan, 1224 Belmont Avenue, Vallejo, (applicant) requests that the Commission issue a certificate of Public Convenience and Necessity to operate a passenger stage service between Napa and Mare Island Naval Shipyards located at Vallejo.

As initially filed, the application was protested by Pettersen Bus Company (PSC-3) who operates a passenger stage service between Napa and Mare Island Naval Shipyards for the day shift.

Applicant claims that there is a need for transportation between Napa and Mare Island for persons who are employed on the "swing shift". Pettersen Bus Company was contacted by the staff on July 10, August 8 and September 11, 1979, suggesting that Pettersen provide service for the "swing shift". No response was received from Pettersen. By letter dated October 22, 1979, applicant informed the Commission that he would not object if his operation was restricted to "swing shift" operations. Under these conditions there are no existing passenger stage corporations providing the proposed service.

Notice of the filing of this application was listed on the Commission's Daily Calendar on April 24, 1979. Additionally, applicant notified, by mail, the appropriate government officials and carriers operating in the vicinity. The Commission staff recommended that the application be granted as revised if no protests were received. No further protests were received.

After consideration, the Commission finds that a Certificate of Public Convenience and Necessity with the restriction to provide

service for the "swing shift" only should be granted. A public hearing on this application is not necessary.

Raymond W. Morgan 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 (PSC-1091) is granted to Raymond W. Morgan, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the route set forth in Appendix A of this decision.
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations, Failure so to do 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.


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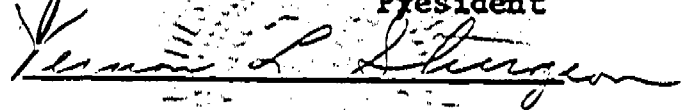
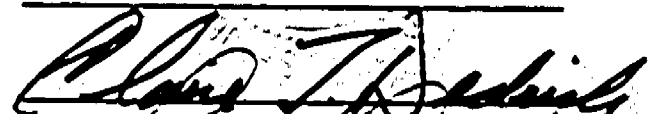
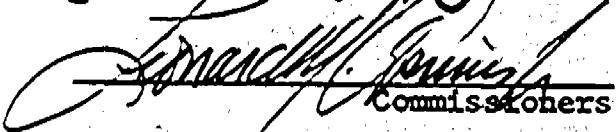
- (c) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its 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 NOV 20 1979, at San Francisco, California.

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

  
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President

  
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Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC-1091  
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 No. 91046  
dated NOV 20 1979 of the Public Utilities Commission  
of the State of California, in Application No. 58819.

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Decision No. 91045, Application No. 58819.

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

Raymond W. Morgan

by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between Napa and Mare Island Naval Shipyard over and along the route 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) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) No passengers shall be transported except those having point of origin or destination at said Mare Island Naval Shipyard.
- (e) Operations for the route shall be conducted so that arrival time of passengers at the Mare Island Naval Shipyard is between 3:00 p.m. and 4:00 p.m. Revision to this requirement may only take place if authorized by the Commission. Timetables filed with the Commission shall state this requirement.

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## SECTION 2 ROUTE DESCRIPTION.

Beginning in the City of Napa at the intersection of Imola Avenue and Freeway Drive, thence along in Imola Avenue to State Highway 29, thence along State Highway 29 to Trancas Street, thence along Trancas Street to State Highway 121 (Silverado Trail), thence along Silverado Trail to State Highway 29, thence along State Highway 29 to the intersection of State Highway 37 in the City of Vallejo, thence along the State Highway 37 to the North Entrance Drive, thence along North Entrance Drive to Mare Island Naval Shipyard.

(END OF CERTIFICATE)

Issued by California Public Utilities Commission.

Decision No. 51045, Application No. 58819.