

Decision No. 91083 NOV 30 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Leo Disselkamp, Gary Bowen)
and Ronald Ibold, for authority)
to transfer a passenger stage)
certificate of public convenience)
and necessity to Gary Bowen and)
Ronald Ibold, dba East Valley)
Commute.)

Application No. 59133
(Filed September 12, 1979)

O P I N I O N

By Decision 89213, dated August 8, 1978 in Application No. 57729, Lois J. Kohler transferred her Certificate of Public Convenience and Necessity to operate as a passenger stage corporation between United Airlines Maintenance Base and certain points in the City of San Jose to Leo R. Disselkamp, Gary R. Bowen and Ronald E. Ibold, doing business as East Valley Lines.

By this application, Leo R. Disselkamp, one of the partners of East Valley Lines, hereinafter referred to as seller, requests authority to transfer his one-third share of East Valley Commute to Gary R. Bowen and Ronald E. Ibold, hereinafter referred to as buyers, for the sum of \$13,597.87, as stipulated in their Agreement for Purchase of Partnership Interest made and entered on December 3, 1978.

The application was listed on the Commission Daily Calendar of September 15, 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.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Leo R. Disselkamp, Gary R. Bowen and Ronald E. Ibold, and the issuance of a certificate in appendix form to Gary R. Bowen and Ronald E. Ibold, doing business as East Valley Commute.

Buyers 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. On or before March 31, 1980, Leo R. Disselkamp may sell and transfer his rights referred to in the application to the buyers, Gary R. Bowen and Ronald E. Ibold, a partnership, doing business as East Valley Commute.
2. Within thirty days after the transfer the buyers shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Buyers and seller shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred and operations remaining to show that the buyers have adopted or established, as their own, the rates and rules. 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with the provisions of General Orders Nos. 79 Series and 98 Series may result in a cancellation of the operating authority granted by this Decision.

4. In the event the transfer authorized in Paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by Paragraph 3, a Certificate of Public Convenience and Necessity is granted to Gary R. Bowen and Ronald E. Ibold, a partnership, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between United Airlines Maintenance Base and certain points in the City of San Jose, over the route set forth in Appendix A, attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted by Decision 89213 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. Buyers shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order 98-Series, and insurance requirements of the Commission's General Order 101-Series.

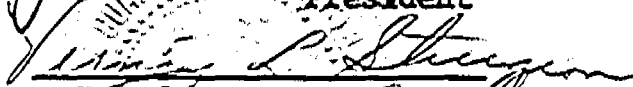
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7. Buyers shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before 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.

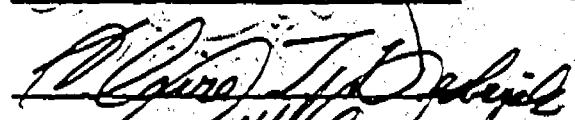
The effective date of this order shall be thirty days after the date hereof.

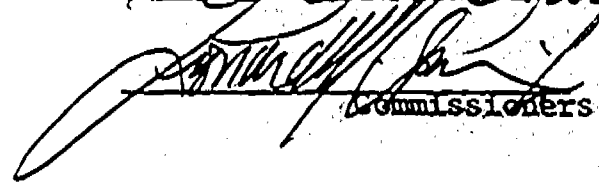
Dated NOV 30 1979, at San Francisco, California.


President








Commissioners

Appendix A

Gary R. Bowen
and Ronald E. Ibold,
dba
EAST VALLEY COMMUTE

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

TO OPERATE AS

A PASSENGER STAGE CORPORATION

PSC-1047

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 91083,
dated NOV 30 1979, of the Public Utilities Commission
of the State of California, in Application 59133.

Gary R. Bowen
and Ronald E. Ibold,
dba
EAST VALLEY COMMUTE
(PSC - 1047)

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

The Certificate hereinafter noted supersedes all operative authority heretofore granted to Leo R. Disselkamp, Gary R. Bowen and Ronald E. Ibold, doing business as East Valley Lines, or its predecessors.

Gary R. Bowen and Ronald E. Ibold, a partnership dba East Valley Commute, by the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted by the decision noted in the margin, are authorized to transport passengers between the United Airlines Maintenance Base at the San Francisco International Airport, on the one hand, and the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the United Airlines Maintenance Base shall be transported.
- (b) Service will be operated at times necessary to meet employees' shift needs on regular working days.
- (c) Service will not be operated during strikes or other work shutdowns at the Maintenance Base.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described and to the day shift only.
The route traversed during pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.

Issued by California Public Utilities Commission.

Decision No. 91083, Application 59133.

Gary R. Bowen
and Ronald E. Ibold,
dba
EAST VALLEY COMMUTE
(PSC - 1047)

SECTION 2. DESCRIPTION OF POINTS SERVED.

Service shall be operated between the United Airlines Maintenance Base at the San Francisco International Airport and the following points:

DAY SHIFT ONLY

Monterey & Senter, San Jose
McLaughlin & Loupe, San Jose
McLaughlin & Bellingham, San Jose
McLaughlin & Lago Court, San Jose
Tully & King, San Jose
Lakewood Drive & Lawrence Expressway, Sunnyvale
Quimby & White, San Jose
White at Mt. Pleasant, San Jose
Story & White, San Jose
White & McKee, San Jose

(END OF APPENDIX)

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