

Decision No. _____

91139

DEC 18 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of BULL-LICK, INC., a California
corporation, for certificate of
public convenience and necessity
to operate passenger and attendant
baggage service between Spring
Valley, California, and San Diego,
California.

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) Application No. 58987
(Filed July 9, 1979;
amended November 5, 1979)

O P I N I O N

Bull-Lick, Inc., a California corporation, seeks a certificate of public convenience and necessity to operate as a passenger stage corporation to transport passengers and baggage between Spring Valley at Campo Road near Sweetwater Springs Boulevard in San Diego County and a terminus at San Diego International Airport (Lindbergh Field), and return, with an intermediate stop in each direction in Lemon Grove in the vicinity of the intersection of Imperial Avenue and North Avenue. Applicant proposes to make six round trips per day, every day of the year, with no minimum passenger requirement, at two-hour intervals between 6:00 a.m. and 2:00 p.m., and a last trip commencing at 5:00 p.m. Applicant proposes to use a leased 1979 Chevrolet Sportsvan with a capacity of 12 persons, including the driver, to provide the service and to rent a comparable backup vehicle (see Reference Item A) to provide the service if the leased van was out of service for maintenance or repairs. Applicant plans to charge individual fares of \$6 per one-way trip, which would allow each passenger to carry

one 26-inch suitcase and one tote bag. An additional charge of \$1 would be charged for each additional piece of baggage or luggage.

Applicant does not propose to issue any stock at this time. Applicant proposes to commence operations with assets of \$12,000 in cash and equity of \$12,000. Applicant projects annual gross operating revenues of \$107,420, a pre-tax operating income of \$41,051, and an after-tax income of \$29,896.

In support of its application, applicant alleges:

"(a) That the area to be served by the proposed passenger service is in an area of San Diego County, namely the area south and east of the Cities of La Mesa and El Cajon, which has very limited public transportation facilities and which is approximately 16 miles from San Diego International Airport. That without the use of an automobile, it is not feasible or convenient to get from that area to San Diego International Airport by existing public transportation. That the proposed service would provide a regularly and frequently scheduled alternative to the existing limited public transportation facilities.

"(b) That San Diego International Airport is presently undergoing a significant renovation and construction of new facilities. That as a result of these activities, parking at San Diego International Airport is presently extremely limited and inadequate and that even when said construction is completed, parking spaces at San Diego International Airport will be in short supply and will be at a premium. The use of this proposed service would serve to alleviate the shortage of parking spaces at San Diego International Airport. That in addition, the new parking facilities at San Diego International Airport are located

a substantial distance from the terminals, with the result that the establishment of the proposed service would result in a saving of time for the persons utilizing it as distinguished from driving their own vehicles and having to park in the airport parking facilities.

"(c) That the establishment of the proposed service will result in a substantial saving of gasoline, in that it is obviously much more efficient to transport numbers of passengers in a single vehicle rather than having each of those passengers drive their own vehicle, and in this time of energy shortage, this is a distinct benefit to society."

Copies of the application and amendment were served upon the city clerks of Lemon Grove, El Cajon, La Mesa, and San Diego, and upon San Diego Transit Corp. (SDT) and Greyhound Bus Lines. SDT responded that it has no objection to granting the requested certificate described in the application, but it might object if applicant sought a modification of its authority to "include any intermediate pickup or alighting locations other than Station "A", Station "B",^{1/} and San Diego International Airport."

^{1/} Both the application and the amendment propose an intermediate stop in the vicinity of the intersection of Imperial Avenue and North Avenue in Lemon Grove. The amendment clarified the description of the intermediate stop in each direction.

Findings of Fact

1. The applicant has the financial resources and ability to operate the proposed service.
2. The revised rates proposed in Appendix A of the amended application are reasonable and should be authorized.
3. Public convenience and necessity require that the application be granted promptly to conserve fuel at this time when the availability of fuel supplies is uncertain.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. A public hearing is not necessary.

Conclusions of Law

1. A certificate for the route set forth in the amended application should be issued to applicant.
2. Applicant should be restricted from establishing any alternate or additional stops without further order of this Commission, except for temporary relocation of stops due to construction or emergency conditions.
3. The effective date of the order should be the date hereof in order that applicant may begin operations of a needed service as soon as possible.

Bull-Lick, Inc. is placed on notice that operative rights, as 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 Bull-Lick, Inc., a California corporation, authorizing it 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, applicant shall comply with the following regulations. Failure to do so 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) Applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office on or before one hundred twenty days after the effective date of this order.
- (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 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 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 is the date hereof.

Dated DEC 18 1979, at San Francisco, California.

John E. Guyan
President
William L. Sturgeon
Richard D. Howell
Clayton T. DeFries
Loren W. Smith
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 1097

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. **91139**,
dated DEC 18 1979 of the Public Utilities Commission
of the State of California, in Application No. 58987.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, AND SPECIFICATIONS.

BULL-LICK, INC., a California corporation, 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 to transport passengers and their baggage between points in Spring Valley and Lemon Grove, on the one hand, and San Diego International Airport - Lindbergh Field, San Diego, on the other hand, along the route described in Section 2, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) No passengers shall be transported except those having point of origin or destination at San Diego International Airport - Lindbergh Field.
- (b) All service will be provided in accordance with the rules promulgated by the Public Utilities Commission of the State of California for the operation of passenger stage service and, otherwise, with the rules specified in the carrier's tariff to be filed with the Commission.

SECTION 2. ROUTE DESCRIPTION.

Commencing on Campo Road, Spring Valley, California, at a point on the northerly side of said Campo Road approximately 300 feet east of the northeast corner of the intersection of said Campo Road and Sweetwater Springs Boulevard; thence proceeding by the most convenient and direct route to an intermediate stop on the westerly side of Imperial Avenue at or near its intersection with North Avenue in Lemon Grove, California; thence proceeding by the most convenient and direct route to a terminus at San Diego International Airport, Lindbergh Field, San Diego, California; returning via the most convenient and direct route to an intermediate stop at the northeast corner of the intersection of Imperial Avenue and North Avenue, Lemon Grove, California, and thence proceeding by the most convenient and direct route to the point of beginning on Campo Road in Spring Valley, California.

(End of Appendix A)