

FS

Decision No. 91218 JAN 8 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)	
of A and B Bus Service, for author-)	Application No. 58959
ity to operate a commuter from)	(Filed June 21, 1979)
Oakland to G.M.A.D. Plant)	(Amended August 2, 1979)
Fremont, California.)	

O P I N I O N

By Application No. 58959, as amended, Willie L. Anderson, Sr., and Sammy E. Bogan, Sr., a partnership, doing business as A and B Bus Service, herein referred to as "applicant", seek a Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation in home-to-work service between various points in Oakland, Hayward, San Jose, on the one hand, and the General Motor Corporation's Assembly Division (G.M.A.D.) plant in Fremont, on the other hand.

In support of the application, applicant states that there is either no existing service between points which are proposed to be served, or existing services are not routed and scheduled to meet the demands of commuters. The cost to an individual owning and operating a private automobile for commuting to work is high and increasing rapidly. The causes of energy conservation and environmental protection require the establishment of the proposed service. The proposed service is not likely to substantially lessen or divert patronage on existing carriers.

Applicant states that it is not economically feasible to commence or maintain the proposed service unless a minimum of thirty (30) passengers are enrolled for one bus; and therefore, requests that the decision contain a provision stating that the applicant not be required to commence or maintain service in any area unless there are thirty (30) or more passengers available to be served.

A. 58959 - FS

The staff believes that applicant may be allowed to delay initiating service in any segment of its requested authority until a minimum of thirty (30) passengers are subscribed or enrolled, but the service should not be discontinued or suspended after its commencement without authorization from the Commission.

The following table shows average distances between General Motor's Assembly Division plant in Fremont and points to be served in Oakland, Hayward, Fremont, and the corresponding fares which applicant plans to charge.

<u>Between G.M.A.D. Plant and</u>	<u>Average Distance (Miles)</u>	<u>Proposed Fares</u>		
		<u>Weekly Round Trip</u>	<u>Daily Round Trip</u>	<u>One Way</u>
Oakland	35	\$15.00	\$5.00	\$3.00
Hayward	20	10.00	3.00	2.35
San Jose	19	10.00	3.00	2.35

Application also shows a hypothetical results of operation which indicates a monthly net income of approximately \$750, based on the operation of one bus serving between Oakland and G.M.A.D. Plant.

Applicant alleges that he has the ability to operate and can make the necessary equipment and facilities available to render the proposed service.

Copies of this application were served upon interested parties. Notice of filing of application appeared in the Commission's Daily Calendar.

Peerless Stages, Inc. protested this application by a letter dated July 2, 1979. The matter was resolved and Peerless withdrew its protest by a letter dated October 1, 1979.

No other protests have been received concerning the grant of this application.

After consideration, the Commission finds that Public Convenience and Necessity requires the proposed service. It can be seen with certainty that there is no possibility that this operation may have a significant effect on the environment. A public hearing is not necessary. The application should be granted.

Applicant 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 is granted to Willie L. Anderson, Sr., and Sammy E. Bogan, Sr., a partnership doing business as A and B Bus Service, 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, 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 he accepts the certificate he 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.
- (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) Applicant shall maintain his 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.

A. 58959 - FS

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

Dated JAN 8 - 1980, at San Francisco, California.

John E. Guyson
President

William P. Stanger

Richard D. Howell

Philip T. ...

Thomas W. ...
Commissioners

Appendix A

Willie L. Anderson, Sr.
and
Sammy E. Bogan, Sr.
A Partnership
d.b.a.
A AND B BUS SERVICE

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS
A PASSENGER STAGE CORPORATION
PSC- 1100

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. 91218, dated JAN 8 - 1980
of the Public Utilities Commission of the State of California, in
Application No. 58959.

and
Sammy E. Bogan, Sr.
A Partnership
d.b.a.
A AND B BUS SERVICE

(PSC-1100)

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

Willie L. Anderson, Sr., and Sammy E. Bogan, Sr., a partnership, doing business as A and B Bus Service, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers between the General Motor Corporation's Assembly Division (G.M.A.D.) Plant, 45500 Fremont Boulevard, Fremont, California, on the one hand, and specified points in the Cities of Oakland, Hayward and San Jose, on the other hand, subject, however, to the authority of this Commission to change or modify said points at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the G.M.A.D. Plant 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 G.M.A.D. Plant.
- (d) Pickup and discharge of passengers will be limited to specific points hereinafter described.
- (e) The route traversed during the pickup at the beginning of work shift will be traveled in reverse at the end of the work shift.
- (f) Applicant is not required to commence service in any city except for thirty (30) or more passengers per bus, and may not discontinue service without permission from the California Public Utilities Commission.
- (g) A and B Bus Service shall have discretion in choosing routings and order of origins and destinations based upon the above considerations.

Issued by California Public Utilities Commission.

Decision No. 91218, Application No. 58959.

Willie L. Anderson, Sr.
and
Sammy E. Bogan, Sr.
A Partnership
d.b.a.
A AND B BUS SERVICE
(PSC-1100)

SECTION 2. SERVICE FOR SPECIFIC PICKUP AND DISCHARGE POINTS SHALL BE BETWEEN THE GENERAL MOTOR CORPORATION'S ASSEMBLY DIVISION PLANT AND THE FOLLOWING POINTS ONLY:

King Road and Tully Road	San Jose
Tully Road and Capitol Expressway	San Jose
Capitol Avenue and Alum Rock Avenue	San Jose
Capitol Avenue and Berryessa Road	San Jose
Kelly Way and B Street	Hayward
B Street and Foothill Blvd.	Hayward
Mission Blvd. and W. Tennyson Road	Hayward
W. Tennyson Road and California Highway 17	Hayward
High Street and Bancroft Avenue	Oakland
73rd Avenue and Bancroft Avenue	Oakland
98th Avenue and East 14th Street	Oakland
98th Avenue and California Highway 17	Oakland

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 91218, Application No. 58959.