

Decision No. 91255 JAN 15 1980

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Jerry Owens and Karen Owens for  
a certificate of public convenience  
and necessity to operate passenger  
service between the Saddleback  
Valley and South Coast Plaza,  
Fashion Island and Westminster Mall.

Application No. 58759  
(Filed March 23, 1979)

O P I N I O N

By this application Jerry Owens and Karen Owens, a partnership, doing business as Our Bus, request a certificate of public convenience and necessity, pursuant to Section 1031, et seq., of the Public Utilities Code (Code), to operate as a passenger stage corporation, as defined in Section 226 of the Code, to transport passengers on an "on-call" basis between an area surrounding Mission Viejo described in Appendix A of this decision attached hereto, as Saddleback Valley, on the one hand, and the South Coast Plaza Shopping Center located in the City of Costa Mesa, the Fashion Island Shopping Mall located in the City of Newport Beach, and the Westminster Mall Shopping Center located in the City of Westminster, on the other hand.

The applicant proposes two daily round-trip shopping excursions for passengers to the South Coast Plaza Shopping Center, and the Westminster Mall Shopping Center and Fashion Island Shopping Malls on Mondays, Wednesdays, and Fridays, respectively, with no service to be provided on Tuesdays, Thursdays, Saturdays, and Sundays, or on state and national holidays.

Applicant proposes round-trip fares from any point in Saddleback Valley as follows: \$5.50 to South Coast Plaza Shopping Center in Costa Mesa; \$6.30 to Fashion Island in Newport Beach; and \$8.50 to Westminster Mall Shopping Center in Westminster.

The application states that currently there is no comparable public transportation service being provided between the points sought for service; that operations will initially be provided with a 1979 Volkswagon 7-passenger van; that applicant has the financial ability to provide the proposed service; that the proposed service would reduce private automobile traffic in the area and thereby result in energy conservation and have a beneficial effect on the environment; and that public convenience and necessity require the proposed service.

Copies of this application were served on interested parties, and the application was listed in the Commission's Daily Calendar on March 26, 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.

#### Findings

After consideration, the Commission finds that:

1. Applicant has the financial ability to provide the proposed service.
2. Public convenience and necessity require that applicant be authorized to provide the proposed service. A public hearing is not necessary.
3. The passenger stage service by applicant is an alternative to transportation by private automobile and is consistent with fuel and energy conservation policies. It can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

#### Conclusion of Law

The Commission concludes that the application should be granted as set forth in the ensuing order.

Jerry Owens and Karen Owens, a partnership, doing business as Our Bus, 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 Jerry Owens and Karen Owens, a partnership, doing business as Our Bus, 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 which is attached hereto.
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service 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) 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 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 JAN 15 1980, at San Francisco, California.

*John E. Bryson*  
 President  
*William de S. ...*  
*Michael D. ...*  
*Charles J. ...*  
*Samuel ...*  
 Commissioners

Appendix A

KAREN AND JERRY OWENS  
doing business as  
OUR BUS

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC - 1102

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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. 91255  
dated JAN 15 1980, of the Public Utilities Commission  
of the State of California, in Application No. 58759.

KAREN AND JERRY OWENS  
doing business as  
OUR BUS  
(PSC - 1102)

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

JERRY OWENS AND KAREN OWENS, a partnership, doing business as OUR BUS, 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 on an "on call" basis between an area surrounding the City of Mission Viejo commonly known and hereinafter described as Saddleback Valley on the one hand, and the South Coast Plaza Shopping Center located in the City of Costa Mesa, the Fashion Island Shopping Mall located in the City of Newport Beach, and the Westminster Mall Shopping Center in the City of Westminster, on the other hand, over and along the routes hereinafter described subject, however, to the jurisdiction of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (b) All passengers transported shall originate at or be destined to Saddleback Valley on the one hand, and the South Coast Plaza Shopping Center located in the City of Costa Mesa, the Fashion Island Shopping Mall located in the City of Newport Beach, and the Westminster Mall Shopping Center located in the City of Westminster, on the other hand.

## SECTION 2. DESCRIPTION OF SERVICE AREA AND LOCATION.

Saddleback Service Area

That portion of the unincorporated area located in Orange County which is bounded by Lake Forest Drive on the north, Avery Parkway on the south, Saddleback Mountain on the east and Laguna Canyon Road on the west.

## SECTION 3. ROUTE DESCRIPTIONS

Route No. 1. Saddleback Valley-South Coast  
Plaza Shopping Center, Costa Mesa

Beginning at any point within the Saddleback Valley Service Area over and along the most appropriate route or routes to El Toro Road, thence, west on El Toro Road to Interstate Highway 5 (I-5), north on Interstate Highway 5 (I-5) to Interstate Highway 405 (I-405), northwest on Interstate Highway 405 (I-405) to Bristol Road, thence, due north on Bristol Road to the South Coast Plaza Shopping Center located at Bristol Street and Canton Boulevard in the City of Costa Mesa and return via the reverse route.

Route No. 2. Saddleback Valley-Westminster Mall  
Shopping Center

Beginning at any point within the Saddleback Valley Service Area over and along the most appropriate route or routes to El Toro Road, thence west on El Toro Road to Interstate Highway 5 (I-5), north on Interstate Highway 5 (I-5) to Interstate Highway 405 (I-405), thence, northwest on Interstate Highway 405 (I-405) to Bolsa Avenue, west on Bolsa Avenue to the Westminster Mall Shopping Center located at Bolsa Avenue and Golden West Avenue in the City of Westminster.



Appendix A

KAREN AND JERRY OWENS  
doing business as  
OUR BUS  
(PSC-1102)

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## SECTION 3. ROUTE DESCRIPTIONS (Continued)

Route No. 3. Saddleback Valley-Fashion Island

Beginning at any point within the Saddleback Valley Service Area over and along the most appropriate route or routes to El Toro Road, thence west on El Toro Road to Interstate Highway 5 (I-5), north on Interstate Highway 5 (I-5) to Jamboree Road, southwest on Jamboree Road to the Fashion Island Shopping Mall located at Jamboree Road and Santa Barbara Drive in the City of Newport Beach.

( END OF APPENDIX A )