

EJ:FS

91450 MAR 18 1980

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of SOBAY COMMUTER INC., for)
certificate of public convenience)
and necessity to operate passenger)
stage service between homes in)
in the county of Santa Clara on)
the one hand and SOBAY'S COMMUTERS)
work location in San Francisco)
near 795 Folsom Street on the)
other hand.)

Application No. 59275
(Filed November 16, 1979)

O P I N I O N

SOBAY Commuter Inc., a California corporation, requests a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation between points in Santa Clara County, on the one hand, and the American Telephone Company facility at 795 Folsom Street, in San Francisco, on the other hand, with routing and schedules designed to provide a convenient commuter bus service for persons employed at the American Telephone Company or in the vicinity of its San Francisco offices.

At present there is either no existing service between points that applicant proposes to serve, or existing services are not routed and scheduled to meet the demands of commuters. The applicant alleges that there is a public need for a "home-to-work" passenger stage service of the type proposed herein.

Applicant intends to use two 49-passenger buses to operate the service.

Applicant proposes to charge a fare of \$50.00 per month.

The application was listed on the Commission's Daily Calendar of November 19, 1979. As originally filed, the applicant failed to specify the points within Santa Clara County for which authority is sought. By letter dated January 21, 1980, the Transportation Division staff asked the applicant for this data and, by letter dated January 22, 1980, the applicant advised that

service would be offered at the three specified points in the cities of San Jose and Cupertino which are set forth in the Certificate of Public Convenience and Necessity attached hereto as "Appendix A".

With this clarification now accomplished, the Commission's Transportation Division staff recommends that, in the absence of protest or request for public hearing, the application be granted by ex parte order. No protest or request for hearing has been received.

F I N D I N G S

1. Public convenience and necessity require the proposed service.
2. The applicant has the ability, equipment and financial resources to perform the proposed service.
3. The proposed fares are reasonable.
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.

C O N C L U S I O N

The Commission concludes that the application should be granted. A public hearing is not necessary.

SOBAY Commuter, Inc., 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 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 SOBAY Commuter, Inc., authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points 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 to do so may result in the 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 to 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 MAR 18 1980, at San Francisco, California.



President



Commissioner



Commissioner



Commissioners

Commissioner Claire E. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC- 1106

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. 91450 dated MAR 18 1980 of the Public Utilities Commission of the State of California, in Application No. 59275.

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

SOBAY Commuter Inc., 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 between points in Santa Clara County, on the one hand, and 795 Folsom Street, San Francisco, 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 SOBAY'S San Francisco service point shall be transported.
- (b) Pickup and discharge of passengers will be limited to the specific points hereinafter described.
- (c) Service shall be provided by over-the-road or intercity-type buses only.

SECTION 2. ROUTE DESCRIPTIONS

ROUTE 1 - San Jose/Cupertino to San Francisco
between 795 Folsom Street in San Francisco, and the following
pickup points only, over the most appropriate route:

- (1) Branham Lane and Meridian Avenue, in San Jose, California.
- (2) Homestead Rd. and Sunnyvale Saratoga Rd., in Cupertino, California.
- (3) Calpine and Blossom Hill, in San Jose, California.

Issued by California Public Utilities Commission.

Decision No. 91450, Application No. 59275.