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ORIGINAL

Decision No. 91575 APR 15 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Yosemite Airlines, Inc. }
doing business as Yosemite Gold Country }
Stage for a Certificate of Public Con- }
venience and Necessity to operate a }
Passenger Stage Corporation. }

Application No. 59404
(Filed January 28, 1980)

O P I N I O N

Yosemite Airlines, Inc. operates a passenger air service and also operates as a charter-party carrier of passengers doing business as Yosemite Gold Country Stage (YGCS) under Permit No. TCP-843-P granted August 19, 1977. By this application, Yosemite Airlines, Inc., doing business as YGCS, requests a certificate of public convenience and necessity to operate as a passenger stage corporation to transport passengers and their baggage between Yosemite/Pine Mountain Lake Airport and Yosemite National Park, thereby augmenting applicant's air service.^{1/}

^{1/} By Decision No. 89601, dated October 31, 1978, in Application No. 58034 applicant's predecessors W. L. and H. C. Murphy, doing business as YGCS, were initially granted the authority now sought by Yosemite Airlines, Inc. The original authority was revoked by Decision No. 91044, issued November 20, 1979 in Application No. 58034, because of failure to make timely filing of tariff, timetable, and certificate of insurance.

The application is based on an increasing number of requests for transportation service on a "per person" fare basis in addition to rental cars and charter-party service. Approval of the application would complete the public transportation route provided by applicant from San Francisco and Monterey Bay Areas to Yosemite National Park. It is also noted that YGCS was originally established to fill the void left by the Yosemite Transportation Company's discontinuance of its service between Yosemite National Park and Modesto along Highways 120 and J-20.

YGCS believes that a significant potential market exists for passenger service between Yosemite/Pine Mountain Lake Airport and Yosemite National Park especially since the current policy of the National Park Service discourages the use of private automobiles within the Park. In 1977, Yosemite Airlines boardings in and out of Yosemite/Pine Mountain Lake Airport represented a growth rate of about 500 percent over 1976. Boardings from June through August represented 45.3 percent of the total 1977 Yosemite/Pine Mountain Lake Airport boardings which indicates the seasonal nature of the proposed service. The 1,000-passenger goal for the 1978 summer season was also attained. YGCS estimates that boardings for the May through October 1980 period will support a passenger stage operation with the proposed limited schedule to connect with Yosemite Airlines flights. Off-season service would continue to be provided under YGCS's charter-party permit.

YGCS plans to use two eight-passenger station wagons or a 12-passenger mini-bus to conduct the proposed service. If approved, the service would commence May 1, 1980 at a proposed one-way fare of \$30.00 per person or \$60.00 per person round trip. A minimum of three round trips per week are planned during the seasonal period of May through October.

The proposed regular route of service is as follows:

Commencing from Yosemite/Pine Mountain Lake Airport, then easterly along Ferretti Road, California State Highway 120, Big Oak Flat Road and appropriate roads to Curry Village, Ahwahnee Hotel and Yosemite Lodge in Yosemite National Park, returning in the reverse direction.

Alternate routes are also proposed as follows:

1. From the junction of Big Oak Flat Road with Highway 120, and northerly along Highway 120 approximately 0.5 miles to the east junction of Big Trees Road, thence westerly along Big Trees Road via Tuolumne Grove Big Trees to its west junction with Highway 120.

2. To or from Yosemite/Pine Mountain Lake Airport, using the westerly portion of Ferretti Road to its west junction with Highway 120 via Groveland, California, thence southerly along Highway 120 to the east junction of Ferretti Road.

The proposed service will connect public transportation now available at both the north and south entrances to Yosemite National Park (Yosemite Airlines at Yosemite/Pine Mountain Lake Airport and the valley shuttles operated by Yosemite Transportation Company). The proposed service will, therefore, contribute to the park service's goal of reducing the number of vehicles operating in the Park and along the routes from San Francisco and Monterey Bay Areas to Yosemite National Park. YGCS believes that the long-term effects of the proposed passenger stage operation will be in the public interest and will result in environmental benefits by reducing the reliance on the private automobile.

With YGCS's recent incorporation and overall general reorganization plan it has improved its capacity to perform the passenger stage operation initially authorized by Decision No. 89601, supra, but subsequently revoked by Decision No. 91044, supra, for want of timely filing of tariff, timetable, or insurance. Applicant states it has now filed a certificate of insurance as required by General Order No. 101 Series. Evidence of equipment inspection by the California Highway Patrol has also been filed with the Commission. YGCS's proposed timetable is set forth

as Attachment No. 2 to its Application No. 59404. Anticipating the historical steady increase in passenger boardings at Yosemite/Pine Mountain Lake Airport to continue, YGCS is of the opinion that public convenience and necessity will be served by the timely renewal of its sought passenger stage operations. We agree.

Application No. 59404 was listed on the Commission's Daily Calendar for January 29, 1980. While applicant is not aware of any other passenger stage carrier conducting operations which would compete with YGCS's proposed service, copies of Application No. 59404 were served on various civic and governmental agencies believed to be interested. No protests to the sought certificated authority have been received.

Findings of Fact

1. Applicant has demonstrated a reasonable capacity to operate as a passenger stage corporation between Yosemite/Pine Mountain Lake Airport and Yosemite National Park.
2. Ownership and operation of the proposed passenger stage corporation (Yosemite Gold Country Stage) by Yosemite Airlines, Inc., a passenger air carrier, is not adverse to the public interest.
3. At the present time no passenger stage corporation service is available to the public between the points proposed to be served by applicant.
4. Applicant has shown that public convenience and necessity require the granting of the sought certificated authority.
5. It can be seen with certainty that there is no possibility that the project in question may have a significant effect upon the environment.

Conclusion of Law

The Commission concludes that Application No. 59404 should be granted. A public hearing is not necessary. The following order should be made effective on the date of signature due to the seasonal nature of the proposed service which commences in May 1980.

Yosemite Airlines, Inc., doing business as Yosemite Gold Country Stage, 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 granting 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 Yosemite Airlines, Inc., doing business as Yosemite Gold Country Stage, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Yosemite/Pine Mountain Lake Airport and public facilities in Yosemite National Park 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 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 98-Series, and the insurance requirements of the Commission's General Order 101-Series.
- (b) Applicant shall establish and initiate the authorized service during the seasonal period of May through October 1980, 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 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 APR 15 1980, at San Francisco, California.

President
Walter P. Stearns

Richard W. Howell

John J. Sedwick

Francis J. Smith
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.

Yosemite Airlines, Inc.
doing business as
YOSEMITE GOLD COUNTRY STAGE

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A
PASSENGER STAGE CORPORATION
PSC-1042

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. 91575, dated APR 15 1980
of the Public Utilities Commission of the State of California, in
Application No. 59404.

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

Yosemite Airlines, Inc., doing business as Yosemite Gold Country Stage, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between Yosemite/Pine Mountain Lake Airport, on the one hand, and Yosemite Valley, on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of roads or by operating around an area contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of one-way and round-trip passengers.
- (d) Applicants shall not pick up or discharge passengers except at the specified service point or points as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (e) Service shall be operated at a minimum of three round trips per week during the seasonal period of May through October of each year.

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SECTION 2. SERVICE POINTS.

Passengers may be picked up and discharged at any of the following described points, subject to local traffic regulations:

1. Yosemite/Pine Mountain Lake Airport
 - (a) Terminal Facility.
2. Yosemite Valley
 - (a) Curry Village.
 - (b) Ahwahnee Hotel.
 - (c) Yosemite Lodge.

SECTION 3. ROUTE DESCRIPTIONS.

1. Basic Route

From Yosemite/Pine Mountain Lake Airport, thence easterly on Ferretti Road to its east junction with California State Highway 120 (120), thence easterly on 120 to the west junction of a one-way westbound road from Tuolumne Grove Big Trees (Big Trees Road) continuing easterly on 120 to its junction with Big Oak Flat Road, thence along Big Oak Flat Road and appropriate roads to Curry Village, Ahwahnee Hotel and Yosemite Lodge in Yosemite National Park, returning in the reverse direction, to Yosemite/Pine Mountain Lake Airport.
2. Alternate Route
 - (a) From the junction of Big Oak Flat Road with 120 and northerly along 120, approximately 0.5 mile to the east junction of Big Trees Road, thence westerly along Big Trees Road via Tuolumne Grove Big Trees to its west junction with 120.
 - (b) To or from Yosemite/Pine Mountain Lake Airport using the westerly portion of Ferretti Road to its west junction with 120 and along 120 through the Town of Groveland to the east junction of Ferretti Road.

(END OF APPENDIX A)

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