

RWL/IE

Decision No. 91605 APR 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of: Richard H. James, Jr., an)
individual, to sell and transfer)
a certificate of public conveni-)
ence and necessity authorizing his)
operation as a passenger stage)
corporation, pursuant to Section)
1031 of the California Public)
Utilities Code; and)

Application No. 59482
(Filed February 28, 1980)

Isidore B. De Rego, a private in-)
dividual, to acquire and control)
the certificated passenger stage)
corporation operations of)
Richard H. James, Jr.)

O P I N I O N

By Decision 88163, dated November 29, 1977 in Application No. 57590, Richard H. James, Jr. was granted a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation between Lockheed Missile and Space Company, Inc., in Sunnyvale and certain points in the Counties of Santa Cruz and Santa Clara (PSC-1025).

By this application, Richard H. James, Jr., hereinafter referred to as seller, requests authority to transfer his certificate to operate as a passenger stage corporation to Isidore B. De Rego, hereinafter referred to as the buyer, for the sum of \$55,000.00, as stipulated in their Sales Agreement made and entered on November 13, 1979.

The application was listed on the Commission's Daily Calendar of March 3, 1980. 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. A public hearing is not necessary.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Richard H. James, Jr. and the issuance of a certificate in appendix form to Isidore B. De Rego.

The buyer 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. On or before April 30, 1980, Richard H. James, Jr. may sell and transfer his rights referred to in the application to the buyer, Isidore B. De Rego, an individual.
2. Within thirty days after the transfer the buyer shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. The buyer ~~and seller~~ shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred and operations remaining to show that the buyer has adopted or established, as his own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days after the effec-

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tive 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with the provisions of General Orders Nos. 79-Series and 98-Series may result in a cancellation of the operating authority granted by this Decision.

4. In the event the transfer authorized in Paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by Paragraph 3, a Certificate of Public Convenience and Necessity is granted to Isidore B. De Rego, an individual, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Lockheed Missile and Space Company, Inc. in Sunnyvale and certain points in the counties of Santa Cruz and Santa Clara, over the routes set forth in Appendix A, attached hereto and made a part hereof.

5. The Certificate of Public Convenience and Necessity granted by Decision 88163 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

6. The buyer shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order 98-Series, and insurance requirements of the Commission's General Order 101-Series.

7. The buyer 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.

Because all the financial arrangements for the purchase of the equipment and operating rights have been completed and approved, and because the buyer is anxious to institute the service, the applicants have requested that this order be made effective as soon as possible. Therefore, the effective date of this order shall be ~~the~~ ^{is} the date hereof.

Dated APR 15 1980, at San Francisco, California.

President
Vernon L. Stevenson

Richard D. Howell

Clara T. ...

Samuel ...
Commissioners

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

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

NO. 1025

TO OPERATE AS

A PASSENGER STAGE CORPORATION

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. 91605,
dated APR 15 1980 of the Public Utilities Commission
of the State of California, in Application 59482.

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

Isidore B. De Rego, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage from Aptos, Santa Cruz, Scotts Valley, Los Gatos and intermediate points to Lockheed Space and Missile Co., Inc. in Sunnyvale, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) Only passengers destined to or originating at the Lockheed Space and Missile Co., Inc. shall be transported.
- (c) Service will be operated only at times necessary to meet employee needs for the day shift only on regular working days.
- (d) Service will not be operated during strikes or other work shutdowns at Lockheed.
- (e) The transportation of baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

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SECTION 2. ROUTE DESCRIPTION.

Aptos-Santa Cruz to Lockheed

Commencing in the City of Aptos at the intersection of Rio Del Mar and State Highway 1, thence via State Highway 1, State Highway 17, and U.S. 101 Freeway and the most direct and appropriate route to Lockheed Space and Missile Co., Inc. in Sunnyvale. Passengers may be picked up in a service territory which is limited to one-half mile on either side of this route between and including Aptos and Los Gatos.

Utilities
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