

ORIGINAL

Decision No. 91755 MAY 6 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Alberto Rico for a certificate)
to operate a passenger bus service)
between Imperial Valley College and)
Calexico.)

Application No. 59251
(Filed November 1, 1979)

Alberto Rico, for himself, applicant.
Anthony P. Carr, Attorney at Law, for Greyhound Lines, Inc.,
protestant.
William Austin, for the Commission staff.

OPINION AND ORDER

Alberto Rico (Rico), an individual doing business as Kennedy Transit Service, seeks a certificate of public convenience and necessity, pursuant to Sections 1031-1038 of the Public Utilities Code, authorizing him to transport passengers between Imperial Valley College (College) and Calexico and intermediate points.

The application showed that Rico proposed to commence service at Calexico, thence to Heber, El Centro, and Imperial, terminating at College. Return from College was to be direct to Calexico.

Greyhound Lines, Inc. (Greyhound) opposed the application as filed and a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Brawley, California on January 30, 1980.

At the hearing Rico amended his application to a request for a certificate limiting his authority to carry passengers solely to passengers who were students at College. He further amended it to provide service hourly from 7:00 a.m. to 12 noon from Calexico to Heber to El Centro to College, returning directly to Calexico. From 11 a.m. until 2 p.m., service will be provided from College to the aforesaid waypoints terminating in Calexico. The proposed fare is \$.75 each way. Service would be Monday through Friday.

Greyhound, upon hearing the amendment restricting service to students only, withdrew its opposition to the application.

The need for this service was testified to by Mr. Ruben Lopez, College Administrator. There are 6,000 students enrolled at College, and Calexico is a major enrollment community. Daily, students can be observed hitchhiking along the proposed route in order to reach College or return home.

Findings of Fact

1. Rico possesses the ability, experience, and financial resources to perform the proposed service.
2. There is public demand for Rico's proposed service.
3. The proposed service is limited to College students only.
4. There is no known opposition to the proposed service.
5. Public convenience and necessity require that the service proposed by Rico be certificated.
6. It can be seen with certainty that there is no possibility that 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.

Rico 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 over a particular route. 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Alberto Rico, an individual doing business as Kennedy Transit Service, authorizing him to operate a passenger stage service, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

2. Only students of Imperial Valley College shall be passengers.

3. 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 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.

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

Dated MAY 6 1980 , at San Francisco, California.

John E. Ryan
President
James L. Stearns
Richard D. Howell
Clare T. ...
James W. ...
Commissioners

SW

Appendix A

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 1107

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. 91755,
dated MAY 6 1980, of the Public Utilities Commission
of the State of California, in Application No. 59251.

SW

Appendix A

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC - 1107)

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Issued by California Public Utilities Commission.

Decision No. 91755, Application No. 59251.

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

ALBERTO RICO, an individual, doing business as KENNEDY TRANSIT SERVICE, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to act as a passenger stage corporation to transport passengers and their attendant baggage between a terminal, each located in the cities of Calexico, Heber, Imperial, and El Centro, on the one hand, and the Imperial Valley College located at State Highway 111 and Aten Road in Imperial County, on the other hand, over and along the routes hereinafter described as a consolidated and unified operation, 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 streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC - 1107)

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- (c) Service shall be limited strictly to the transportation of Imperial Valley College (IVC) student passengers who originate at or are destined to Imperial Valley College.
- (d) The carrier shall identify the exact location of all terminals served in all tariffs and timetables filed on the carrier's behalf with the Commission.
- (e) The tariff publications of Alberto Rico, an individual, doing business as Kennedy Transit Service, shall contain clear and concise statements of rules and individual fares in order that prospective customers will be able to determine in advance the charges to be assessed for the service that is to be performed.

Issued by California Public Utilities Commission.

Decision No. 91755, Application No. 59251.

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC - 1107)

SECTION 3. ROUTE DESCRIPTIONS.

Route 1 Calexico, Heber, El Centro, Imperial and Imperial
Valley College (IVC)

Beginning at the northwest corner of the intersection of First Street and Heffernan Avenue (State Highway 111) in the city of Calexico, thence north on State Highway 111, to State Highway 86, northwest and then due north on State Highway 86 to 76 East Main Street (State Highway 86) in the city of Heber. Continue in a northerly direction on State Highway 86 to the northeast corner of Fourth Street (State Highway 86) and Brighton Avenue in the city of El Centro. Continue north on State Highway 86 to the southeast corner of the intersection of Main Street (State Highway 86) and "J" Street, thence return to Imperial and Calexico via south on State Highway 86 to Aten Road, east on Aten Road to the Imperial Valley College, located at Aten Road and State Highway 111 in Imperial County. Continue due south on State Highway 111 to point of origin.

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC - 1107)

SECTION 3. ROUTE DESCRIPTIONS. (Continued)

Route 2 Imperial Valley College (IVC), Imperial, El Centro,
Heber and Calexico

Beginning at the northwest corner of the intersection of First Street and Heffernan Avenue (State Highway 111) in the city of Calexico, thence north on State Highway 111 to the Imperial Valley College (IVC) located at Aten Road and State Highway 111 in Imperial County, thence west on Aten Road to State Highway 86, north on State Highway 86 to the southeast corner of the intersection of Main Street (State Highway 86) and "J" Street. Return south on State Highway 86 to the southwest corner of the intersection of Fourth Street (State Highway 86) and Brighton Avenue in the city of El Centro, continue south on State Highway 86 to 76 east Main Street (State Highway 86) in the city of Heber, thence southeasterly on State Highway 86, to State Highway 111, continue due south on State Highway 111 and return to point of origin.

(END OF APPENDIX A)