

Decision No. 91777 MAY 6 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Santa Monica Carousel Corporation,)
a corporation, dba Santa Monica)
Flight Line, for authority to sell,)
to Santa Monica Flight Line, a)
partnership between Onyx Inc.,)
a corporation and William H. Martin)
an individual, for authority to)
acquire, pursuant to Section 851,)
et seq., of the California Public)
Utilities Code.)

ORIGINAL

Application No. 59458
(Filed February 14, 1980)

O P I N I O N

By Decision No. 90990, dated February 14, 1980, as amended by Resolution PE-377 (RRD 128), dated March 4, 1980, Santa Monica Carousel Corporation (Carousel) was granted a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-1093) between certain hotels in Santa Monica and the facilities of Los Angeles International Airport (LAX). Carousel presently operates three 11-passenger, air-conditioned vans and, for its service, charges per-passenger fares of \$6.00 one way and \$10.00 round trip.

By this application Carousel, sometimes hereinafter referred to as seller, requests authority pursuant to Section 851, et seq., of the Public Utilities Code to transfer the passenger stage certificate to Santa Monica Flight Line, an equal partnership comprised of Onyx, Inc., a California corporation, and of William H. Martin, an individual. This partnership is sometimes hereinafter referred to as buyer.

The seller and buyer have entered into a written agreement on the terms and conditions for transfer of the certificate. The parties have agreed that the purchase price for the certificate will be the sum of \$10,000.

The application was listed on the Commission's Daily Calendar of February 19, 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. ~~We further find that the project involved will not have a significant effect on the environment.~~ SS

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Santa Monica Carousel Corporation and the issuance of a certificate in appendix form to Onyx, Inc., and William H. Martin, a partnership, doing business as Santa Monica Flight Line.

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 July 1, 1980, Santa Monica Carousel Corporation may sell and transfer the operative rights referred to in the application to the buyer Santa Monica Flight Line, an equal partnership comprised of Onyx, Inc., a California corporation, and of William H. Martin, 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. Buyer shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days after the effective 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 Nos. 70-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 ^{SANTA MONICA CAROUSEL CORPORATION dba} Santa Monica Flight Line, authorizing it 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, attached hereto and made a part hereof. 55

5. The certificate of public convenience and necessity granted to Santa Monica Carousel Corporation by Decision No. 90990 as amended by Resolution PE-377 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Buyer shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

7. Buyer 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 MAY 6 1980, at San Francisco, California.

John E. Boyer
President

Vernon L. Sturgeon

Richard W. Howell

Charles T. Delight

Donald W. Jones
Commissioners

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Onyx, Inc., and William H. Martin, a partnership,
going business as
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CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC No. 1093

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. 91777 dated
MAY 6 1980, of the Public Utilities Commission
of the State of California, in Application No. 59458.

Onyx, Inc., and William H. Martin, a partnership,
doing business as
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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Onyx, Inc., and William H. Martin, a partnership,
doing business as Santa Monica Flight Line, 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 and their baggage between
Los Angeles International Airport, on the one hand, and certain
hotels in Santa Monica, on the other hand, along the route des-
cribed in Section 3, subject, however, to the authority of this
Commission to change or modify said route at any time and subject
to the following provisions: SS

- (a) When route descriptions are given in one direction,
they apply to operation in either direction unless
otherwise indicated.
- (b) Service shall be restricted to the transportation
of passengers in motor vehicles having a seating
capacity not exceeding 25 passengers.

Onyx, Inc., and William E. Martin, a partnership,
doing business as

Appendix A

SANTA MONICA FLIGHT LINE
(PSC-1093)

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SECTION 2. DESCRIPTION OF SANTA MONICA SERVICE AREA.

Service shall be authorized from and to each of the following locations along the most convenient and appropriate streets and highways, thence along the route specified in Section 3:

<u>Hotel:</u>	<u>Location:</u>	<u>City:</u>
Huntley House Hotel	1111 Second Street	Santa Monica
Miramar Sheraton Hotel	Ocean Avenue and Wilshire Boulevard	Santa Monica
Holiday Inn	120 Colorado Avenue	Santa Monica
Surf Rider Inn	1700 Ocean Avenue	Santa Monica
Royal Inn of Santa Monica	1819 Ocean Avenue	Santa Monica
The Roman Inn	530 Pico Boulevard	Santa Monica
Flamingo West	1733 Ocean Avenue	Santa Monica
Shangri-la Garden	1301 Ocean Avenue	Santa Monica
Kensington Motel	1746 Ocean Avenue	Santa Monica
Bayside Hotel	2001 Ocean Avenue	Santa Monica
Jamaica Bay Inn	4175 Admiralty Way	Marina del Rey

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Onyx, Inc., and William E. Martin, a partnership,
doing business as

Appendix A

SANTA MONICA FLIGHT LINE
(PSC-1093)

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SECTION 3. ROUTE DESCRIPTION.

.. Starting at 1819 Ocean Avenue, thence southeasterly along Ocean Avenue and Neilson Way to Washington Street, east on Washington Street, southeasterly along Admiralty Way, east along Fiji Way, southeasterly along Lincoln Boulevard, south along Sepulveda Boulevard, to Los Angeles International Airport.

(END OF APPENDIX A)