

T/ACB

91948 JUN 17 1980

Decision No. _____

ORIGINAL
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
CARL RODGERS, individually, and dba)
RODGERS STAGE COACH LINES, to transfer)
and RODGERS STAGE COACH LINES, INC., a)
California Corporation, for authority)
to acquire, pursuant to §851, et seq.)
of the California Public Utilities Code)

Application No. 59452
(Filed February 14, 1980)
Amended April 18, 1980

O P I N I O N

Carl Rodgers, doing business as RODGERS STAGE COACH, LINES, requests authority to transfer his Certificate of Public Convenience and Necessity to operate as a passenger stage corporation and certain related assets to RODGERS STAGE COACH LINES, INC., a California corporation, and the latter seeks authorization to issue 50,000 shares of common stock to Carl Rodgers and Luana Rodgers in exchange for the business including \$33,701 net equity in bus equipment.

By Decision No. 87849 in Application No. 57274, Carl Rodgers, doing business as RODGERS STAGE COACH LINES, was issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-1022) for the purpose of transporting race track employees and their baggage between race tracks in Los Angeles and Orange Counties and Del Mar Race Track.

Applicant proposes to transfer his authority and related assets to RODGERS STAGE COACH LINES, INC., as he has determined that it would be to his interest and his business to conduct the service as a corporation.

The application was listed on the Commission's Daily Calendar of February 20, 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:

1. The proposed transaction would not be adverse to the public interest.

2. The proposed stock issue would be for a proper purpose.

3. The money, property or labor to be procured or paid for by the stock herein authorized is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

On the basis of the foregoing findings, the Commission concludes that the proposed transfer should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Carl Rodgers, an individual doing business as RODGERS STAGE COACH LINES, and the issuance of a certificate in appendix form to RODGERS STAGE COACH LINES, INC.

RODGERS STAGE COACH LINES, 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 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given. The authorization herein granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before September 1, 1980, Carl Rodgers, an individual, doing business as RODGERS STAGE COACH LINES, may sell and transfer the operative rights and other assets referred to in the application to RODGERS STAGE COACH LINES, INC.
2. Within thirty days after the transfer RODGERS STAGE COACH LINES, INC., 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. RODGERS STAGE COACH LINES, INC., 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 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. 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 RODGERS STAGE COACH LINES, INC., 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 as set forth in Appendix A of this decision.

5. RODGERS STAGE COACH LINES, INC., on or after the effective date hereof and on or before September 1, 1980, may issue not exceeding 50,000 shares of its common stock in exchange for assets totaling \$33,701.

6. RODGERS STAGE COACH LINES, INC. shall file with the Commission the reports required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

7. The Certificate of Public Convenience and Necessity granted by Decision No. 87849 is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 3.

8. RODGERS STAGE COACH LINES, INC. shall comply with the safety rules administered by the California Highway Patrol the rules and regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.

9. RODGERS STAGE COACH LINES, INC. 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.

10. The authority granted by this order to issue stock will become effective when RODGERS STAGE COACH LINES, INC. has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.00. In all other respects the

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

Dated JUN 17 1980, at San Francisco, California.

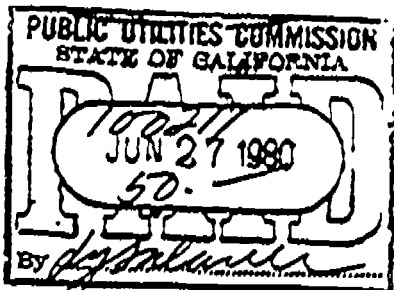
John E. Byron
President

Vernon L. Staugen

Clay T. Smith

Lawrence J. Smith
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.



CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC-1022

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 page.

Issued under authority of Decision No. 91948 dated JUN 17 1980
of the Public Utilities Commission of the State of California,
in Application No. 59452.

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Issued by California Public Utilities Commission.

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

The certificate hereinafter noted, supersedes all operative authority heretofore granted to Carl Rodgers, an individual, doing business as Rodgers Stage Coach Lines, Inc.

Rodgers Stage Coach Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage, between Santa Anita Race Track, on the one hand, and Hollywood Park Race Track, Los Alamitos Race Track, Los Angeles County Fair Race Track at Pomona and Del Mar Race Track, 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) Service is limited to employees of race tracks in the Southern California area.
- (b) Passengers shall be transported only between race tracks.
- (c) Service will be operated at times necessary to meet the needs of those employees based upon the opening and closing time of the applicable track.
- (d) 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.
- (e) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - From Santa Anita to Hollywood Park and Return.

Commencing from Santa Anita Race Track over the most appropriate and convenient streets to west on Interstate Highway 10 (San Bernardino Freeway), south on Interstate Route 5 (Golden State Freeway), west on Santa Monica Freeway, south on State Highway 11 (Harbor Freeway), thence over the most appropriate and convenient streets to Hollywood Park. Return via reverse of the going route. This route may be operated during the open-track season at Hollywood Park Race Track.

Route 2 - From Santa Anita to Los Alamitos and Return.

Commencing from Santa Anita Race Track, over the most appropriate and convenient streets to east on Interstate Highway 10 (San Bernardino Freeway), south on Interstate Highway 605 (San Gabriel River Freeway), thence over the most appropriate and convenient streets to Los Alamitos Race Track. Reverse direction to Santa Anita Race Track.

Route 4A/5A - From Santa Anita to Pomona and Return.

Commencing from Santa Anita Race Track, over the most appropriate and convenient streets to east on Interstate Highway 10 (San Bernardino Freeway), thence over the most appropriate and convenient streets in Pomona to the Race Track located in the Los Angeles County Fairgrounds.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 6 - From Santa Anita To Del Mar Race Track and Return

Commencing from Santa Anita Race Track, thence over the most appropriate and convenient streets to east on Interstate Route 210 (Foothill Freeway), south on Interstate Route 605 (San Gabriel River Freeway), east on Katella Avenue to Los Alamitos Race Track parking lot; return to and east along Katella Avenue, south on Valley View Street, south on Interstate Highway 405 (San Diego Freeway), Interstate Highway 5, and over the most appropriate and convenient streets and roads to the Del Mar Race Track.

(END OF APPENDIX A)

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