

92032

JUL 15 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the Franciscan Inn for certificate)
of public convenience and necessity)
to operate a limousine service)
between the motel and truck terminal)
near Miramar Road and I-15.)

Application No. 59558
(Filed March 31, 1980)

OPINION AND ORDER

Arthur L. Handley and Esther L. Handley, a partnership, doing business as Franciscan Inn, seeks to operate a common carrier passenger stage service between the City of Poway and the City of San Diego, over and along the routes hereinafter described in Appendix A of this decision. Transportation would be performed using a 1979 Chevrolet Malibu Classic Station Wagon with a seating capacity of six passengers which includes driver.

The proposed fares are \$7.50 per person one-way between the designated terminal points.

The applicant's balance sheet as of December 31, 1979 shows assets of \$818,613.53 and net worth of \$180,000.00.

The applicant contends there is no available direct service between the terminals which are proposed to be served, as outlined in Exhibit "A" attached to the application.

The application was served upon interested parties and the matter was noticed on the Commission's Daily Calendar of April 2, 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.

After consideration, the Commission finds that the applicant has the personal and financial fitness to conduct the proposed service and that public convenience and necessity require the granting of the application. A public hearing is not necessary.

Applicant 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. A certificate of public convenience and necessity is granted to Arthur L. Handley and Esther L. Handley, a partnership, doing business as Franciscan Inn authorizing them to operate as a passenger stage corporation for the transportation of passengers and their attendant baggage between terminals located in the City of Poway, on the one hand, and in the City of San Diego, on the other hand, and subject to the conditions set forth in Appendix A of this decision attached thereto.

2. In providing the service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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 Order Nos. 79-Series and 98-Series.

- (e) Applicants shall maintain their 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, or or before March 31 of each year, an annual report of their 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 JUL 15 1980, at San Francisco, California.

John E. Byrne
President
Veronica L. Stevenson
Robert D. Groble
Clair T. Perkins
Stanley W. James
Commissioners

AM

Appendix A

ARTHUR L. HANDLEY AND
ESTHER L. HANDLEY,
a partnership, doing
business as
FRANCISCAN INN

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC - 1123

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. 92032,
dated JUL 15 1980, of the Public Utilities Commission,
of the State of California, in Application No. 59558.

ARTHUR L. HANDLEY AND
ESTHER L. HANDLEY,
a partnership, doing
business as
FRANCISCAN INN
PSC-1123

I N D E X

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION 2. ROUTE DESCRIPTION	3

ARTHUR L. HANDLEY AND
ESTHER L. HANDLEY,
a partnership, doing
business as
FRANCISCAN INN
PSC-1123

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

Arthur L. Handley and Esther L. Handley, a partnership, doing business as Franciscan Inn, by the certificate of public convenience and necessity noted in the margin, are authorized to operate as a passenger stage corporation for the transportation of passengers and their attendant baggage between terminals located in the City of Poway, on the one hand, and in the City of San Diego 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 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 operation in either direction unless otherwise indicated.
- (c) Passengers shall be picked up and discharged only at points and places to be named in applicant's tariffs.
- (d) When service is rendered on an "on-call" basis, tariffs and timetables of Arthur L. Handley and Esther L. Handley, a partnership, doing business as Franciscan Inn, shall show the conditions under which such "on-call" service will be rendered.

ARTHUR L. HANDLEY AND
ESTHER L. HANDLEY,
a partnership, doing
business as
FRANCISCAN INN
PSC-1123

Section 2. ROUTE DESCRIPTION

Beginning at 13845 Poway Road (State Highway 14) in the City of Poway, west on Poway Road to Interstate Highway 15. Thence, south on Interstate Highway 15 to Miramar Road, southwest on Miramar Road to Padgett Street, located in the City of San Diego. Thence, continue in a westerly direction to 9525 Padgett Street where passengers shall be picked up or discharged and return to the exact point of beginning via the reverse route.

(END OF APPENDIX A)