

Decision No. 92139 AUG 19 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application:)
 FORTIER TRANSPORTATION CO., LTD.,)
 dba FORTIER STAGES LIMITED, for)
 a certificate of public convenience)
 and necessity to operate as a)
 passenger stage corporation between)
 Atwater, California, on the one)
 hand, and, on the other, Lemoore)
 Naval Air Station, with service to)
 intermediate points en route.)

ORIGINAL

Application No. 59587
 (Filed April 11, 1980)
 Amended April 28, 1980.

O P I N I O N

By this application Fortier Transportation Co., Ltd., doing business as Fortier Stages Limited, requests a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation to transport passengers and their baggage and express shipments weighing less than one hundred pounds per shipment incidental to the transportation of passengers between Fresno International Airport, on the one hand, and the various communities located in the Counties of Kings, Fresno, Madera and Merced, on the other hand.

Applicant proposes to utilize Prevost and MCI buses and a Cadillac limousine to service the routes. The northerly route will commence from Atwater serving intermediate points along Highway 99 and terminating at Fresno Airport. From the south, the service will begin at Lemoore Naval Air Station and then through intermediate points along Highways 198, 43 and 99 before it terminates at Fresno Airport. The proposed fares are: Atwater, \$9.50; Merced, \$8.50; Chowchilla, \$6.00; Madera, \$5.00; Lemoore, \$6.00; Hanford, \$6.00, and Selma, \$4.00.

Applicant states that:

"A minimum of two round trips per day will be offered. Such trips will be designed to give the public easy access to the Fresno International Airport. In this regard, scheduling will be interfaced with peak traffic usage at Fresno Air

Terminal. The schedule will be expanded in accordance with public demand and need, it being applicant's intent to provide the maximum number of trips possible while maintaining rates at reasonable level."

Applicant presently provides transportation of passengers under its Class "A" charter-party authority with an assigned identifying symbol TCP-211-A.

Applicant revealed in this application that its assets are valued at \$274,078; liabilities valued at \$123,332; and shareholders equity valued at \$26,679. Revenues generated from its charter-party operations amounted to \$91,000 and from its highway carrier operations at \$133,213 producing a net income of \$18,837.

The application and the amendment were listed on the Commission's Daily Calendars of April 15, 1980 and April 29, 1980, respectively. Copies of the application were served on the City Manager of Fresno, the Board of Supervisors of the Counties of Fresno, Kings, Madera and Merced and on Greyhound Lines, Inc. The Commission's Transportation Division has reviewed the application and recommends that in the absence of protest or request for a public hearing, it be granted by an ex parte order. No protest or request for hearing has been received.

F I N D I N G S

Upon consideration of the evidence, the Commission finds as follows:

1. Fortier Transportation Co., Ltd., seeks authority to operate as a passenger stage corporation providing service between Atwater and Fresno Airport and points intermediate thereto and between Lemoore Naval Air Station and Fresno Airport and points intermediate thereto over and along Highways 198, 43 and 99.
2. There is no other transportation company presently offering this passenger service in this area.
3. Applicant has the equipment available, expertise and financial resources to institute and maintain the proposed service.

4. The proposed fares appear to be justified.
5. The Commission staff supports the application.
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.
7. A public hearing is not necessary.
8. Applicant has demonstrated that Public Convenience and Necessity require granting of the application.

C O N C L U S I O N S

We conclude that the sought authority should be granted. Since there are no protests, and since the public will benefit from immediate institution of the service, the following order should be effective the date of signature.

Fortier Transportation Co., Ltd. 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 Fortier Transportation Co., Ltd., doing business as Fortier Stages Limited, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between points and over the routes and subject to the conditions set forth in Appendix A of this decision.

2. 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 it accepts the certificate, it 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 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 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 as set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant 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 is the date
hereof.

Dated AUG 19 1980, at San Francisco, California.

John E. Byrne
President

William L. Sturgeon

Robert J. Daniels

Harold W. James
Commissioners

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

T/VVB*

Appendix A

Fortier Transportation Co., Ltd.
doing business as
FORTIER STAGES LIMITED

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC - 1118

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. 92139, dated AUG 19 1980
of the Public Utilities Commission of the State of California,
in Application No. 59587.

Fortier Transportation Co., Ltd.
doing business as
FORTIER STAGES LIMITED
(PSC-1118)

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

Fortier Transportation Co., Ltd., a California corporation doing business as Fortier Stages Limited, by the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted in the decision noted in the margin, is authorized to transport passengers and their baggage and express shipments weighing less than one hundred (100) pounds per shipment incidental to the transportation of passengers between Fresno International Airport, on the one hand, and various communities located in the Counties of Kings, Fresno, Madera and Merced, on the other hand, over and along the routes 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 in either direction unless otherwise indicated.
- b) No passenger shall be transported except those having either the point of origin or destination at Fresno International Airport.
- c) No passenger shall be permitted to embark or disembark on-to any highway, freeway, or any road or street where there is a hazard to his or her safety.
- d) Service may be provided at intermediate points over and along the routes described under Route Description. Such points shall be adjacent to the routes.

Issued by California Public Utilities Commission.

Decision No. 92139, Application No. 59587.

SECTION II. ROUTE DESCRIPTIONS

ROUTE NO.1. ATWATER

Commencing in the City of Atwater; thence over Highway 99 to Herndon; thence via Sierra Street, Clovis Street, McKinley Street, Fresno and to Fresno International Airport.

2. LEMOORE NAVAL AIR STATION

Commencing at the main gate of Lemoore Naval Air Station located at or near the intersection of 25th Avenue and State Highway 198; thence over and along Highway 198 to Lemoore, continue on Highway 198 to Hanford; thence to Highway 43 to Selma; thence to Highway 99 to Fowler; thence to Clovis Street, McKinley Street, Fresno and to Fresno International Airport.

Issued by California Public Utilities Commission.

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