

ORIGINAL

Decision No. 92325 OCT 22 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the Matter of the Application) | |
| of G.L. Freed, D.B.A. Calaveras) | |
| Transit Co.: Authorization for) | Application No. 59723 |
| an extension of authority to) | (Filed June 12, 1980) |
| operate a service from Sonora) | |
| to Jackson and points between.) | |

O P I N I O N

G. L. Freed, doing business as Calaveras Transit Co., and presently providing a passenger stage service for the transportation of passengers and shipments of express between Stockton and Lake Alpine and intermediate points requests authority to extend service between Jackson and Sonora, serving all intermediate points on and along State Highway 49. Copies of the application were served upon the counties of Calaveras and Tuolumne, the cities of Sonora, Angels, and Jackson, and upon Caltrans, Amador County, Greyhound Lines, Inc., Amador Stage, Inc., and Central Sierra Elderly Assistance, Inc. Notice was published in the Commission's Daily Calendar on June 13, 1980.

The proposed service would be daily, except Sundays and holidays. The proposed one-way fares would range from \$1.00 between Sonora and Tuttle Town to \$4.40 between Sonora and Jackson. Shipments of express up to 100 pounds and moving less than 70 miles would range from \$2.25 to \$6.65. Such shipments moving over 70 miles would range from \$3.25 to \$7.50.

Applicant presently owns and operates one 1972 International 15-passenger bus and one 1974 Dodge 15-passenger van. Additional equipment will be acquired for the proposed

extended service. As of April 1, 1980 applicant indicated a net worth in the amount of \$49,673.

It is alleged that at the present time there is no existing passenger and express service being provided between the proposed points; that applicant has received numerous requests for such service; and that if authorized, the proposed service would provide same day service on express shipments and would enable residents within the area to use public transportation for shopping and medical appointments without reliance upon private automobiles.

Only one protest was filed and that was by Central Sierra Elderly Assistance, Inc. (CSEA) which was authorized by Decision No. 90994 dated November 6, 1979, in Application No. 58524 to provide a passenger stage service specifically designed to meet the needs of the elderly and handicapped over through routes serving such points as Arnold, Anderson Camp, Columbia, San Andreas, Valley Springs, Angels Camp, and Jackson. ✓

Following a review by the Passenger Operations Branch, the staff recommends that the application be granted for the following reasons:

1. CSEA has not as yet inaugurated service because it has been unable to obtain necessary subsidy funds and on July 2, 1980, by Decision No. 91988 was granted an extension of time to commence service.
2. There is a substantial difference between the two services.
3. CSEA would operate over certain routes on designated days and applicant proposes a daily service except for Saturdays and Sundays.
4. CSEA proposes a highly specialized service designed to meet the needs of elderly and handicapped passengers by picking them up and discharging them at their homes and conditioned upon the receipt of subsidy funds.

Applicant proposes an unconditioned passenger and express service for the public generally.

Findings of Fact

1. Applicant is presently providing a certificated service for the transportation of passengers and shipments of express.

2. Applicant has received numerous requests to extend service between Jackson and Sonora and intermediate points.

3. There is no existing passenger and express service being provided between the proposed points. Although CSEA has been authorized to provide a specialized service within the proposed area for elderly and handicapped passengers, the inauguration of such service is dependent upon subsidy funds that as yet have not been received. Applicant's proposed service is substantially different from that proposed by CSEA in that applicant proposes to operate a daily passenger and express service for the public generally.

4. The proposed service would provide same day pickup and delivery on shipments of express and would enable residents within the area to shop and keep medical and dental appointments without need of private vehicles.

5. Public convenience and necessity require the proposed service. A public hearing is not necessary.

6. Applicant has the necessary experience and financial ability to conduct the proposed service.

7. 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 application should be granted by restating applicant's operating authority in the form of a new certificate.

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:

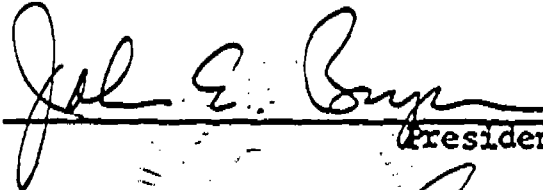
1. A certificate of public convenience and necessity is granted to G. L. Freed, doing business as Calaveras Transit Co., authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code between the points and over the routes set forth in Appendix A of 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 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. ✓
- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, he shall make the appropriate tariff filings required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 75583 in Application No. 50872, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

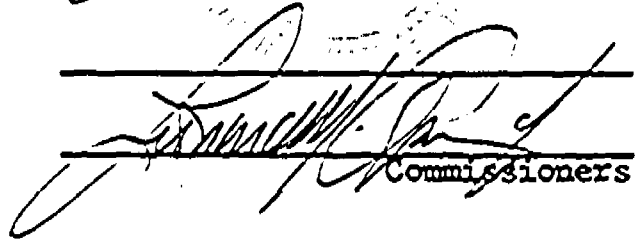
The effective date of this order shall be thirty days after the date hereof.

Dated OCT 22 1980, at San Francisco, California.



President





Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

/ALJ/ec

Appendix A

GEORGE FREED
Doing Business As
CALAVERAS TRANSIT CO.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC- 842

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. 92325
dated OCT 22 1980 of the Public Utilities Commission
of the State of California, in Application No. 59723.

SECTION 1: GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS

The certificate hereinafter noted supersedes all authority heretofore granted to George Freed to operate as a passenger stage corporation.

George Freed, doing business as Calaveras Transit Co., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers, their baggage and express in scheduled service between Stockton, Angels Camp, Jackson, Sonora and intermediate points and "on call" service between Murphys, Arnold, Bear Valley, Lake Alpine and intermediate points over the routes hereinafter described subject to the following conditions and restrictions.

- (a) The term "on call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which authorized "on call" service will be rendered.

Issued by California Public Utilities Commission

Decision No. 92325, Application No. 59723.

SECTION 2. ROUTE DESCRIPTION

Route 1.

Commencing in the City of Stockton thence via city streets and State Highway 26 to Valley Springs, thence via State Highway 12 to San Andreas, thence via State Highway 49 to Angels Camp, thence via State Highway 4 to Murphys, Arnold, Bear Valley and Lake Alpine; returning by reverse of route.

Route 2.

Commencing in Angels Camp; thence south on State Route 49 to Sonora returning over the reverse of the route to Angels Camp; thence north on State Route 49 to San Andreas, north on Gold Strike road to State Route 49, north on State Route 49 to Jackson, return over the reverse of the route to Angels Camp.