

ORIGINAL

Decision No. 92824 MAR 17 1987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Robert H. Sousa and James F. D'Aoust  
for authority to transfer a passenger  
stage certificate of public  
convenience and necessity to  
James D'Aoust and Wm. P. Oelschlager,  
dba as Altamont Tours.

Application No. 60088  
(Filed November 18, 1980)

O P I N I O N

Applicants Robert H. Sousa and James F. D'Aoust operate as a passenger stage corporation between Tracy and Pleasanton, on the one hand, and the United Airlines Maintenance Base at the San Francisco International Airport, on the other hand, under the authority of Decision No. 92201 dated September 13, 1980 in Application No. 59500. Airport employees are transported in a Flexible Suburban 49-passenger bus. Applicant Sousa has no further interest in the operation and seeks to transfer his interest to applicant William P. Oelschlager.

Applicant Oelschlager has 18-months' experience as a charter bus driver. He is familiar with all Department of Transportation, Interstate Commerce Commission, and Public Utilities Commission rules and safety requirements. The proposed service will continue as it has in the past. There will be no change in operation or equipment. The balance sheet attached to the application indicates that the transferees are solvent and are financially capable of continuing the business.

Applicants request that the need to serve other carriers be waived since the original business will be continued as before under a new and original partner. They also ask that tariff filings be made effective on five days' notice to the Commission and to the public.

The application was listed on the Commission's Daily Calendar and no protests have been received. The application was not served on other carriers since applicants operate the only service of this kind between the points and over the routes involved.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it 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 Robert H. Sousa and James F. D'Aoust and the issuance of a certificate in appendix form to James F. D'Aoust and William P. Oelschlager.

James D'Aoust and William P. Oelschlager are 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. Robert H. Sousa and James F. D'Aoust may sell and transfer the operative rights and property referred to in the application to James F. D'Aoust and William P. Oelschlager. This authorization shall expire if not exercised by March 1, 1981, or within such additional time as may be authorized by the Commission.

2. Within thirty days after the transfer James F. D'Aoust and William P. Oelschlager 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. James F. D'Aoust and William P. Oelschlager shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their own, the rates and rules. The tariff 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 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 Order No. 79- and 98-Series. Failure to comply with the provisions of General Order No. 79- 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 James F. D'Aoust and William P. Oelschlager, doing business as Altamont Tours, authorizing them 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 the attached First Revised Title Page, First Revised Page 1, and First Revised Page 2 to Appendix A of Decision No. 92201.

5. The certificate of public convenience and necessity granted by Decision No. 92201 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. James F. D'Aoust and William P. Oelschlager 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.


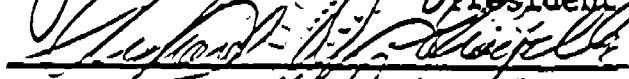


7. James F. D'Aoust and William P. Oelschlager shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. The requirements of 21(f) and 37(a) of the Commission's Rules of Practice and Procedure are waived.

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

MAR 17 1981

Dated \_\_\_\_\_, at San Francisco, California.

  
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President  
  
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\_\_\_\_\_  
Commissioners

Appendix A  
(Decision 92201)

JAMES F. D'AOUST AND  
WILLIAM P. OELSCHLAGER\*  
(a partnership)  
Doing Business As  
ALTAMONT TOURS

First Revised Title Page  
Cancels  
Original Title Page ✓

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC - 1132

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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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.

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\*Changed by Decision No. 92824, Application No. 60068.

Appendix A  
(Decision 92201)

JAMES F. D'AOUST AND  
WILLIAM P. OELSCHLAGER\*  
(a partnership)  
Doing Business As  
ALTAMONT TOURS  
(PSC - 1132)

First Revised Page 1  
Cancels  
Original Page 1 ✓

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

James F. D'Acoust and William P. Oelschlager\*(a partnership) ✓  
doing business as Altamont Tours, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, are authorized to operate as a Passenger Stage Corporation to transport passengers between points in Tracy and Pleasanton, on the one hand, and the United Airlines Maintenance Base at the San Francisco International Airport, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) All transportation of passengers shall originate at the pickup points hereinafter specified, on the one hand, and shall be destined to the United Airlines Maintenance Base at the San Francisco International Airport, on the other hand, or the reverse.
- (b) 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.
- (c) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

Issued by California Public Utilities Commission.

\*Changed by Decision No. 92824, Application No. 60088.

Appendix A  
(Decision 92201)

JAMES F. D'AOUST AND  
WILLIAM P. OELSCHLAGER\*  
(a partnership)  
Doing Business As  
ALTAMONT TOURS  
(PSC - 1132)

First Revised Page 2  
Cancels  
Original Page 2 ✓

SECTION 2. ROUTE DESCRIPTIONS.

Commencing in the City of Tracy with a pickup point at the intersection of Lammers Road and Grant Line Road; thence to the City of Pleasanton with a pickup point at the intersection of Santa Rita Road and Valley Avenue; thence to a pickup point (also in Pleasanton) at the intersection of Hopyard Road and W. Las Positas Boulevard; thence to a pickup point (also in Pleasanton) at the intersection of Hopyard Road and Highway 580; thence on Highway 580, Highway 17, Highway 92, Highway 101 to the United Airlines Maintenance Base at the San Francisco International Airport.

Issued by California Public Utilities Commission.

\*Changed by Decision No. 92824, Application No. 60023.