

APR 21 1981

ORIGINAL

Decision No. 92954

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
Stockton Executive Limousines Charter )  
Service, Inc., for a Class "B" )  
certificate to operate as a Charter- )  
party Carrier of Passengers, Stockton.)

Application No. 60022  
(Filed October 23, 1980)

Thomas E. Daniels, for Stockton Executive  
Limousines Charter Service, Inc., applicant.  
R. D. Rierson, for Greyhound Lines, Inc.,  
protestant.

O P I N I O N

Stockton Executive Limousines Charter Service, Inc., requests a Class B charter-party certificate to provide passenger service from an area encompassing a radius of 40 air miles from Stockton. Notice of the filing of the application was published in the Commission's Daily Calendar on October 24, 1980 and copies of the application were served upon sixteen carriers with which the proposed service might compete. The only protest to the application was filed by Greyhound Lines, Inc. (Greyhound).

A public hearing was held before Administrative Law Judge Daly on February 25, 1981, at San Francisco and the matter was submitted.

Prior to applicant's presentation Greyhound and applicant entered into a stipulation restricting the proposed service to a service area encompassing a radius of 20 air miles from Stockton and to the use of equipment having a capacity of 25 passengers or less. Upon the stipulation Greyhound withdrew its protest.

Process  
TD-14

A.60022 ALJ/rr/ks \*

For the past two and a half years applicant's president has been conducting a limousine service pursuant to authority set forth in File No. TCP-1225-P. For the proposed service applicant will use a 1979 18-passenger Dodge van. As of September 4, 1980, applicant indicated a net worth in the amount of \$14,750.

According to applicant's president chartered service will be provided for a number of accounts within the Stockton area.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. Applicant should be authorized to pick up passengers within a radius of 20 air miles from its home terminal at 2210 Country Club Boulevard, Stockton, California, 95204, subject to the restriction that all vehicles shall have a capacity of 25 passengers or less. ✓
4. 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.

Stockton Executive Limousines Charter Service, 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 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 to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of twenty air miles from applicant's home terminal at 2210 Country Club Boulevard, Stockton, California 95204, is authorized to be issued to applicant, Stockton Executive Limousines Charter Service, Inc., subject to the restriction that all vehicles used shall have a capacity of 25 passengers or less. ✓
2. In providing service pursuant to the certificate when issued, applicant shall comply with and observe, among other things, 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. 115-Series. Failure to do so may result in cancellation of the operating authority.
3. When the required California Highway Patrol clearances are received by the Commission's Passenger Operations Branch and the evidences of adequate protection against liability imposed by

law are filed in compliance with General Order No. 115-Series, the annual renewable certificate on Form PE-695 will be issued by the Passenger Operations Branch under the authorization of Resolution PE-303, approved July 29, 1975.

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

Dated APR 21 1981, at San Francisco, California.

  
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President  
  
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