

ORIGINAL

Decision No. 93074 MAY 19 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Robert Lee Curtis, dba Bob's Ride,  
for the request of authority to lift  
the restriction on sizes of authorized  
vehicles from San Diego Lindbergh Field  
to Camp Pendleton, California.

Application No. 59950  
(Filed September 19, 1980)

Joseph A. Bradley III, Attorney at Law, for  
Robert L. Curtis, applicant.  
R. D. Rierson, Attorney at Law (Illinois), for  
Greyhound Lines, Inc., protestant.  
David L. Bain, for Goodall's Charter Bus Service,  
Inc., interested party.

O P I N I O N

Robert Lee Curtis (Curtis), doing business as Bob's Ride, is authorized to conduct operations as a passenger stage service from Lindbergh Field, San Diego, California to Camp Pendleton, California. (D.89791, December 19, 1978, A.58117). Service is restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 12 passengers including the driver.

By this application, Curtis requests that the Commission revise the capacity restriction to permit Curtis to perform service using motor vehicles, each having a capacity not exceeding 57 passengers. Justification is alleged to be that there are now more passengers wishing to use the service at Camp Pendleton than his vehicles have capacity to carry.

Protests were received from Greyhound Lines, Inc. (Greyhound), and American Buslines, Inc. (American). A duly noticed public hearing was held before Administrative Law Judge Orville I. Wright on February 10, 1981 in San Diego, California.

At the hearing, Curtis announced that he and Greyhound had agreed to a revision of the application which, if accepted by the Commission, would make the presentation of evidence unnecessary. It was stipulated that Curtis's capacity restriction in Section 1(e) of the certificate granted in D.89791 be amended as follows:

"(e). Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 22 passengers, including the driver, and one additional vehicle with a capacity in excess of 22 passengers."

Thereupon, the matter was submitted.

#### Findings of Fact

1. Curtis has the ability, experience, equipment, and financial resources to perform the proposed service.

2. Public convenience and necessity require that the service proposed by Curtis be established.

3. Curtis's service should be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 22 passengers including the driver, and one additional vehicle with a capacity in excess of 22 passengers.

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 requested certificate should be granted.

Curtis 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. Appendix A of Decision No. 89791 is amended by incorporating First Revised Page 2, attached hereto, in cancellation of Original Page 2.

2. In providing service pursuant to the authority granted by this order, Robert Lee Curtis 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 98-Series, and the insurance requirements of the Commission's General Order 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 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.

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

Dated MAY 19 1981, at San Francisco, California.

John E. Bayon  
President  
William D. Braxton  
Samuel J. ...  
Victor Cabre  
Francis C. Green  
Commissioners

Appendix A  
(D.89791)

Robert Lee Curtis  
doing business as  
BOB'S RIDE  
PSC-1061

First Revised Page 2  
Cancels  
Original Page 2

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

Robert Lee Curtis, doing business as Bob's Ride, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport passengers and their baggage between San Diego International Airport-Lindbergh Field located in the City of San Diego, on the one hand, and Camp Joseph H. Pendleton, U.S. Marine Corps Base (Camp Pendleton Service Area), located in the County 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) All service herein authorized shall be limited to the transportation of military personnel and/or their dependents, and attendant baggage, with origin or destination at San Diego International Airport-Lindbergh Field, on the one hand, and the Camp Pendleton Service Area, on the other hand.
- (d) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. Applicant's tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (e) Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 22 passengers, including the driver, and one additional vehicle with a capacity in excess of 22 passengers.

Issued by California Public Utilities Commission.

\*Amended by Decision No. 93074, Application No. 59950.