

Decision 93284 JUL 7 1981,

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Eric H. Eberhardt doing business as YUBA-SUTTER AIRPORTER to transfer a Certificate of Public Convenience and Necessity to Robert J. White who will continue to provide service as Yuba-Sutter Airporter.

Application 60423
(Filed April 3, 1981)

O P I N I O N

By Decision (D.) 89789, dated December 19, 1978, in Application (A.) 58065, Eric H. Eberhardt, doing business as Yuba-Sutter Airporter, was issued a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-1058) between Marysville, Yuba City, Live Oak, Sutter, Wheatland, and Beale Air Force Base, on the one hand, and Sacramento Metropolitan Airport, on the other hand.

By this application Eric H. Eberhardt (Seller) requests authority under Public Utilities (PU) Code Sections 851 et seq., to transfer the certificate of public convenience and necessity above described to Robert J. White (Purchaser). Purchaser will operate as Yuba-Sutter Airporter and will continue to provide service as shown on Appendix A of this decision.

Discussion

Seller and Purchaser have entered into a written agreement on the terms and conditions for transfer of the certificate. The parties have agreed that the purchase price will be \$30,000 for certificated rights and price of transferred equipment, as shown on Exhibit D of the application.

The financial statement of Purchaser, attached to the application as Exhibit B, shows Purchaser's net assets of \$139,000 as of December 31, 1981.

The application was listed on the Commission's Daily Calendar of April 8, 1981. No protest or request for hearing has been received. A public hearing is not necessary.

Findings of Fact

1. Seller seeks authority to sell and transfer and Purchaser seeks authority to purchase and acquire the certificate of public convenience and necessity granted by D.89789, dated December 19, 1978, in A.58065.
2. The purchase price will be \$30,000 including the price of transferred equipment.
3. Purchaser has the financial ability and equipment to operate the service.
4. Purchaser's balance sheet of December 31, 1980, shows an excess of assets over liabilities of approximately \$139,000.
5. The proposed transfer is not adverse to the public interest.
6. No protests have been received concerning this application.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R


IT IS ORDERED that:

1. By August 31, 1981, Eric H. Eberhardt (Seller) may sell and transfer the operative rights (and property) specified in the application to Robert J. White (Purchaser).
2. Purchaser shall:
 - a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
 - b. Amend or reissue Seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
 - c. Comply with General Orders Series 79, 98, 101 and 104, and California Highway Patrol safety rules.
 - d. File an annual report of Seller's operations for the period from the first day of the current year to the date of transfer.
 - e. Maintain accounting records in conformity with the Uniform System of Accounts.
3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Robert J. White authorizing him to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix A, to transport passengers and baggage.

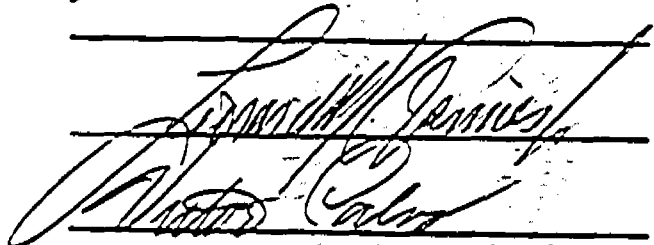
4. The certificate of public convenience and necessity granted by Decision 89789 is revoked on the effective date of the tariffs.


This order becomes effective 30 days from today.

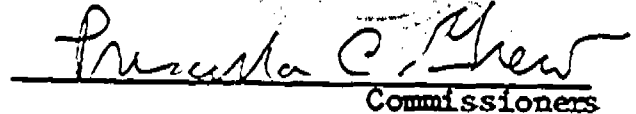
Dated JUL 7 1981, at San Francisco, California.



President







Commissioners

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A PASSENGER STAGE CORPORATION
PSC-1058

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

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 93284 dated
MUL 7 1981, of the Public Utilities Commission of the
State of California, in Application 60423.

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

Robert J. White, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between the community of Sutter, the Cities of Live Oak, Marysville, Yuba City, and Wheatland, and Beale Air Force Base, on the one hand, and the Sacramento Metropolitan Airport (SMF), on the other hand, over the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time, and subject to the following provisions:

- (a) Service shall be operated on an "on-call" basis. The term on-call as used 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 each authorized on-call service will be rendered.
- (b) No passengers shall be transported except those having a point of origin or destination at SMF.
- (c) Service shall be rendered via a direct route from the point of origin to the point of destination of a passenger, except that when more than one passenger is to be transported in a single vehicle, service shall be rendered by the most appropriate and direct routing possible, taking into consideration the various points of origin and destination of the several passengers.
- (d) Drivers shall have discretion in choosing routings and order of origins and destinations, based upon the above considerations.

SECTION 2. ROUTE DESCRIPTIONS.

From points in the community of Sutter (bounded by Butte House Road, Mulberry Street, South Butte Road, and Acacia Avenue), the Cities of Live Oak, Marysville, Yuba City, and Wheatland, and Beale Air Force Base, on the one hand, over the most appropriate route to the SMF, on the other hand, returning over the most appropriate route.

(End of Appendix A)