

Decision 09-01-021 January 29, 2009

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application for Approval of the Transfer by sale of PSC3577 from Mammoth Mountain Ski Area to Mammoth Mountain Ski Area, LLC, pursuant to the provisions of Public Utilities Code Section 851 et seq.

Application 08-11-003  
(Filed November 3, 2008)

**D E C I S I O N**

**Summary**

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Mammoth Mountain Ski Area (Transferor), a corporation, to Mammoth Mountain Ski Area, LLC (Transferee), a Delaware limited liability company.

**Discussion**

Transferor is authorized by Decision (D.) 02-06-057 to operate as a PSC to transport passengers and their baggage on a scheduled basis between Mammoth Lakes, June Lake, Lee Vining, and Yosemite National Park. The application requests approval to transfer certificate PSC-3577 to Transferee. Transferor desires to change its form of business organization to a limited liability company. All other aspects of the business will remain the same. Service under the PSC authority will not change.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 7, 2008.

In Resolution ALJ 176-3225 dated November 21, 2008, the Commission preliminarily categorized this application as ratesetting, and preliminarily

determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3225.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Transferor is operating as a PSC pursuant to D.02-06-057.
2. Transferor requests approval to transfer its PSC authority to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.

## **O R D E R**

**IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Mammoth Mountain Ski Area (Transferor), a corporation, may transfer the operative rights specified in this application to Mammoth Mountain Ski Area, LLC (Transferee), a

Delaware limited liability company, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service within 120 days after this decision is effective, adopt Transferors' tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this decision is effective and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- g. Enroll all drivers in the pull notice system as required by Vehicle Code § 1801.1.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision 02-06-057 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. The CPCN to operate as PSC-21814, granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This decision is effective today.

Dated January 29, 2009, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-21814

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

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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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Supersedes the authority heretofore granted to  
Mammoth Mountain Ski Area, a corporation, by Decision 02-06-057.

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

This certificate supersedes all passenger stage operative authorities granted to Mammoth Mountain Ski Area, a corporation.

Mammoth Mountain Ski Area, LLC, a Delaware limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on a scheduled basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. Service will be operated only at the points described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission.
- c. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Mammoth Lakes
- B. June Lake
- C. Lee Vining
- D. Points within Yosemite National Park: Tuolumne Meadows, White Wolf, Crane Flat, and Yosemite Valley.

SECTION III. ROUTE DESCRIPTIONS

Commencing from Mammoth Lakes, then over the most convenient streets and highways to the other points described in Section II.