

ORIGINAL

Decision No. 43518

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
EMIL GUY SPADONI, dba Lakeshore Transit )  
Company, for certificate of public con- )  
venience and necessity to operate a bus )  
service as a common carrier between )  
Fallbrook, Camp Pendleton, Oceanside, )  
and return, all in the County of San )  
Diego, State of California; and to )  
operate an express nonstop bus service )  
between Camp Pendleton and Los Angeles, )  
California )

Application No. 28742  
(First Supplemental)

In the Matter of the Application of )  
EMIL GUY SPADONI (Lakeshore Transit )  
Company) to transfer certificate to )  
Lakeshore Lines, and the latter to )  
issue and sell stock. )

Application No. 29676

CITY OF OCEANSIDE; )  
a Municipal Corporation, )  
Plaintiff, )

vs. )

Case No. 4956

EMIL GUY SPADONI, dba LAKESHORE TRANSIT )  
COMPANY, )  
Defendant. )

CITY OF OCEANSIDE, )  
a Municipal Corporation, )  
Plaintiff, )

vs. )

Case No. 4960

EMIL GUY SPADONI, dba LAKESHORE TRANSIT )  
COMPANY, and BLACK & WHITE CORPORATION, )  
a corporation, )  
Defendants. )

Harry O. Juliani, City Attorney, and Arthur H. Glanz,  
for City of Oceanside. William Henry Daubney for  
Lakeshore Transit Company.

O P I N I O N

By Decision No. 42956, dated June 1, 1949, Emil Guy Spadoni, an individual doing business as Lakeshore Transit Company, was granted a certificate of public convenience and necessity "authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2 1/4 of the Public Utilities Act, for the transportation of persons between Carlsbad and Camp Pendleton, with the right to serve no intermediate points, and between applicant's terminal in the City of Oceanside and the San Luis Rey Gate of Camp Pendleton, with the right to serve no intermediate points except the Sterling housing area, and between Fallbrook, Camp Pendleton, and applicant's terminal in the City of Oceanside and intermediate points." This grant of authority contained the following restriction:

"With the exception of transportation between applicant's terminal in the City of Oceanside and the Sterling housing area, no passengers shall be transported having both origin and destination within the City of Oceanside".

The routes over which operations were authorized were specified.

Decision No. 42956 further authorized Emil Guy Spadoni, doing business as Lakeshore Transit Company, to transfer to Lakeshore Lines, a corporation, certificates of public convenience and necessity therein granted, and the Lakeshore Lines was authorized to purchase and acquire these operative rights and thereafter operate thereunder. The Lakeshore Lines completed this purchase and, under date of July 14, 1949, so notified the Commission.

The City of Oceanside, under date of July 20, 1949, filed a petition requesting reconsideration of the authority

granted by Decision No. 42956, and specifically requesting that the phrase "and intermediate points" be eliminated from that part of Paragraph (1) of the Order reading "and between Fallbrook, Camp Pendleton and applicant's terminal in the City of Oceanside and intermediate points."

Under date of July 21, 1949, Lake Shore Lines, grantee of Emil Guy Spadoni, likewise filed a petition requesting reconsideration of the authority granted by Decision No. 42956, and specifically requesting that the Lakeshore Lines be granted the right to accept passengers at any point along the State highways constituting its authorized routes within the City of Oceanside provided such passengers are destined to points outside the city, or to the Sterling housing area, and, further, the right to discharge passengers at any point within the City of Oceanside on its regularly traveled routes provided such passengers board the buses at points outside the city or within the Sterling housing area.

A public hearing was held in this matter on October 11, 1949, before Commissioner Potter and Examiner Syphers, at which time the arguments of each of the parties was heard and the matter submitted.

Essentially, the position of the City of Oceanside is that the Lakeshore Lines should perform no intracity transportation and, further, that their operations should be confined to a single terminus in the City of Oceanside. Counsel for the City of Oceanside specifically stated that the petition of the city was limited to the phrase "intermediate points" in that part of the order in Decision No. 42956 reading "and between Fallbrook, Camp Pendleton, and applicant's terminal in the City of Oceanside and intermediate points". The city contends that the phrase "intermediate points" should be eliminated or clarified, inasmuch as it was its position that, by Decision No. 42956, this Commission did not intend to grant applicant the right

to provide service to any points in the City of Oceanside other than  
its terminal and the Sterling housing area. <sup>(1)</sup>

The Lakeshore Lines contended that it did not contemplate any intracity operations except in the case of the Sterling housing area; however, it did contend that there was a necessity for picking up passengers along its routes within the City of Oceanside when such passengers are destined to Camp Pendleton or either of the three housing areas involved, and for discharging passengers along its routes within the City of Oceanside when such passengers originate at Camp Pendleton or either of the three housing areas.

The arguments of the parties in this matter merely have summarized the evidence which was presented in the previous hearings and upon which Decision No. 42956 was based. At the time of the prior hearings from which Decision No. 42956 stemmed, Emil Guy Spadoni had a certificate from this Commission under Decision No. 41575, dated May 11, 1948, on Application No. 28742, authorizing certain transportation in and about the City of Oceanside. Accordingly, the hearings in this respect were concerned largely with construing this certificate, and the arguments of the City of Oceanside that there was very little public witness testimony presented must be considered in this light.

A review of Decision No. 42956 shows that it was intended, in the main, to grant authority to Emil Guy Spadoni to provide service to Camp Pendleton and the three housing areas. Therefore, we must construe the questioned phrase "intermediate points" with this in mind. Furthermore, this Commission is aware of the operations of the municipal bus line operated by the City of Oceanside. At no time was it the intention of this Commission to set up a harmful competitive situation within the City of Oceanside. Upon such a construction we are of the view and hereby find that this phrase was merely for the

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(1) While there are three housing areas involved in this authority, Del Mar, Homoja, and Sterling, only Sterling is within the city limits of the City of Oceanside.

purpose of permitting passengers originating at, or destined to, Camp Pendleton to be picked up or discharged along applicant's route within the City of Oceanside. However, upon reconsidering this matter we are convinced that such a grant of authority would be almost impossible to police and we are further convinced of the fact that the service of Lakeshore Lines is now an intercity service and, in addition, a service confined principally to the military establishments. Therefore, we now find that it is in the public interest to limit applicant's service, so far as the grant of authority here in question is concerned, to a single terminus within the City of Oceanside. The questioned phrase "intermediate points", as hereinabove referred to, will be eliminated from the order, it being our finding that such elimination is required by the public convenience and necessity.

O R D E R

Public hearing having been held, the Commission being fully advised in the premises and finding that public convenience and necessity so require,

IT IS ORDERED:

That Paragraph (1) of the Order in Decision No. 42956 is amended to read as follows:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Lakeshore Lines, grantee of Emil Guy Spadoni, authorizing the establishment and operation of a service as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of persons between Carlsbad and Camp Pendleton, with the right to serve no intermediate points, and

between applicant's terminal in the City of Oceanside and the San Luis Rey Gate of Camp Pendleton, with the right to serve no intermediate points except the Sterling housing area, and between Fallbrook, Camp Pendleton, and applicant's terminal in the City of Oceanside, with the right to serve no intermediate points within the City of Oceanside. The authority hereinabove granted is subject to the following restriction:

With the exception of transportation between applicant's terminal in the City of Oceanside and the Sterling housing area, no passengers shall be transported having both origin and destination within the City of Oceanside.

In all other respects the petitions herein are denied.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of November, 1949.

R. E. Trindler  
Justice J. Galloway  
James L. Russell  
Harold P. Hule  
Herbert Potter  
COMMISSIONERS