

ORIGINAL

Decision No. 44021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of EUGENE V. MYERS, for certificate)
of public convenience and necessity)
to operate a passenger stage service) Application No. 31048
as a common carrier, between El Centro,)
California, and El Centro Naval Air)
Station.)

C. Wesley Dickenson for Eugene V. Myers, applicant
and respondent. Robert J. Edwards for Economy
Transit Company, protestant.

OPINION AFTER HEARING ON ORDER OF INVESTIGATION
AND ORDER TO SHOW CAUSE

Subsequent to the granting of authority to Eugene V. Myers to transport passengers and their baggage between El Centro, California, and the El Centro Naval Air Station lying westerly of said city, by Decision No. 43896, dated March 7, 1950, on Application No. 31048, the Commission ordered an investigation of the allegations contained in said application that no stage, truck lines, steam railroads, or electric railways were then operating between the points sought to be served.

Because said allegations appeared not to be the fact, and because said allegations had been relied upon by this Commission in granting said certificate to applicant without a prior hearing, Eugene V. Myers was ordered to show cause before Commissioner Craemer or such examiner as should be designated, why said Decision No. 43896 should not be rescinded and the certificate of public convenience and necessity, granted thereby, be revoked.

Public hearing was held on said Order To Show Cause in the City of El Centro, California, at the courthouse, on Thursday, March 23, 1950, before Examiner Rowe, at which time evidence, both oral and documentary, was received and the matter submitted for decision.

Applicant admitted that he was duly served with a copy of the Order of Investigation and Order to Show Cause on Monday, March 20, 1950. Such service was in conformity with the direction of the Commission.

According to applicant's testimony, he knew of the passenger service rendered by Economy Transit Company between the City of El Centro and El Centro Naval Air Station. This witness further stated that the only rights he needed would be those which would authorize service between either the Barbara Worth Hotel or the Princess Hotel, in the City of El Centro, on the one hand, and on the other hand, the operations tower at the Naval Air Base. It was his testimony, also, that he proposed, and was using, a limousine to carry only the passengers who had flown, or intended to fly, by Western Air Lines to or from said air base, and that a transit bus was not appropriate to be used for this ground service.

An officer from the Naval Base testified that a special permit, not presently held by it, would be required before protestant, Economy Transit Company, could operate its busses to the place where Western Air Lines loaded and unloaded passengers. The local manager for Western Air Lines testified that his company insisted that a limousine type of service be afforded for the transportation of its customers to and from El Centro. He stated that a transit bus was not appropriate for carrying air passengers to and from the air terminal.

The Commission is of the opinion and finds that applicant misrepresented material facts in his application and that such operating rights granted should be revoked pending a hearing to determine whether any operative rights should be granted to meet a public need in transporting passengers to and from El Centro and the Western Air Lines' landing area at the El Centro Naval Air Station, and also for the purpose of enabling the certificated carrier now serving the territory to present appropriate evidence in opposition to said application.

ORDER

The Commission being fully advised in the premises,
IT IS ORDERED:

(1) That said Decision No. 43896 be, and it hereby is, rescinded and the certificate of convenience and necessity granted thereby, be, and it hereby is, revoked.

(2) That said Application No. 31048 shall be, and hereby is, considered as pending, the same as if said Decision No. 43896 had not been rendered.

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

Dated at Los Angeles, California, this 45 day of April, 1950.

A. J. Indurain
James F. Calver
W. H. Russell
Harold P. Hule
Resurrection Potter

CERTIFIED AS A TRUE COPY

Secretary, Public Utilities Commission
of the State of California

Commissioners