

ORIGINAL

Decision No. 44212

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MOUNTAIN STAGE LINE, INC., for (a) an)
 order modifying authority heretofore)
 granted to operate a passenger service)
 between points in San Diego and Imperial)
 Counties; (b) authority to amend its)
 passenger tariff so as to effect certain)
 fare increases and to correct certain)
 irregularities therein; and (c) an order)
 permitting the exercise of authority)
 heretofore granted to assess rates for)
 the transportation of express on a unit)
 basis instead of a weight basis.)

Application No. 30946
 As Amended

E. V. Danforth for applicant. Claude A. Veaglo for
 Julian W. Warner Truck Line, interested party.

O P I N I O N

Mountain Stage Line, Inc., requests a certificate to be issued in lieu of its present operating authority. Applicant wishes to continue its service between San Diego and Julian via Ramona. (1) It requests cancellation of its rights to operate between Julian and Brawley via Borrego Springs authorized by Decision No. 41068, dated December 22, 1947, on Application No. 28730. An on call service only is requested between Julian and the Mt. Laguna Resorts, instead of the authorized scheduled service. An on call service only is likewise proposed between Julian and Whispering Pines. Suspension to

(1)

Dec. No. 23369 dated Feb. 9, 1931, on App. No. 16990;
 Dec. No. 33560 dated Oct. 1, 1940, on Suppl. App. No. 16990; and
 Dec. No. 37178 dated Jul. 11, 1944, on App. No. 26204.

May 15, 1950, of its operating rights under Decision No. 41029, dated December 17, 1947, on Application No. 28660, is requested.

Authority is sought to establish revised fares, charges, rules, and regulations to supersede those set forth in applicant's local passenger tariffs C.R.C. No. 2 and Cal. P.U.C. No. 5 on file with the Commission.

The application alleges that the proposed new fares are designed to correct various irregularities and to establish its fares on an equitable basis. Both increases will have little effect upon applicant's revenues since the majority of the increased fares will apply between points to and from which there is little travel.

Authority also is sought to establish rates, rules, and regulations as set forth in Exhibit C, attached to the application, to supersede those contained in applicant's Express Tariff C.R.C. No. 1 for the transportation of express. These rates are the same as those which the Commission, by Decision No. 41218, dated February 10, 1948, on Application No. 28729, has previously authorized applicant to establish between San Diego and Julian, and intermediate points, but which were not established prior to the expiration of the authority thereby granted. It is alleged that the same general conditions now obtain as they did in 1948 when such rates, as now are sought, were so authorized.

Public hearing was held before Examiner Rowe on April 21, 1950, at San Diego. Evidence, both oral and documentary, was adduced and the matter was submitted for decision.

At the time of the hearing, applicant amended its application so that it requested abandonment of operations between Mission

and Magnolia Streets, in Santee, via Mission Street, Mission Gorge Road, Camino del Rio, Pacific Highway, Broadway Street, to the intersection of First and Broadway, in San Diego. Applicant's president testified that only one schedule per week had been operated over this route and that no one would be inconvenienced by its abandonment. The three persons who alone had boarded or alighted from a bus on this route during the preceding two months had been advised of the expected abandonment and had stated that they would be just as well served by the other route into San Diego and would not oppose this abandonment.

No one appeared in opposition to the granting of the relief requested by the application, although notice was given to all common carriers in the area who would be affected as well as to the chambers of commerce in this territory. The president of applicant testified that operation between Ramona and Del Mar had never been required by public convenience and necessity. This line, he stated, had never been remunerative. In fact, it had been operated regularly for only two weeks during the period a fair was being held, and even then at a loss.

A Commission engineer submitted a report showing the estimated results of operations under the present and under the proposed fares. The estimated over-all increase in passenger revenue amounts to only 1.7 per cent. This witness testified that, in his opinion, the proposed increases in fares are justified.

Upon consideration of all the facts and circumstances of record, we are of the opinion and find that public convenience and necessity require the granting of a certificate of public convenience and necessity requested by the application, as amended, in

lieu of the present operative rights. It is also our opinion, and we find, as a fact, that the fares, charges, rules, and regulations set forth in Exhibits B and C, attached to the application, are reasonable and justified. The application, as amended, will be granted, except that no action will be taken on the now moot request for suspension to May 15, 1950, of operating rights.

O R D E R

Public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises and having found that public convenience and necessity so require,

IT IS ORDERED:

- (1) That a certificate of public convenience and necessity be, and it hereby is, granted to Mountain Stage Line, Inc., a California corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2 1/4 of the Public Utilities Act, for the transportation of persons, baggage, and express limited to shipments of 100 pounds or less,
- (a) in a scheduled service between San Diego, on the one hand, and Julian, on the other hand, including all intermediate points;
 - (b) in an "on call" service between Julian, on the one hand, and Mt. Laguna Resorts, on the other hand, including all intermediate points; and
 - (c) in an "on call" service between Julian, on the one hand, and Whispering Pines, on the other hand, including all intermediate points, subject to the restriction that no local service shall be performed between San Diego and El Cajon and intermediate points, all inclusive, but passengers and baggage may be picked up or discharged at points east of El Cajon and no express may be transported between San Diego and Ramona and points intermediate to said cities.

(2) That, in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty (60) days after the effective date hereof, and upon not less than five (5) days' notice to the Commission and the public, applicant shall establish the service herein authorized and comply with the provisions of General Orders Nos. 79, 80, and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.
- (c) Subject to the authority of this Commission to change or modify such at any time, Mountain Stage Line, Inc., shall conduct said passenger stage operation over and along the following routes:

Route 1

From the Greyhound Stage Terminal at First and Broadway in San Diego, through La Mesa and El Cajon to Santee, over and along First Street, Ash Street, Fourth Avenue, University Avenue, Normal Street, U. S. Highway No. 80, Magnolia Avenue to Santee, thence over State highways through Lakeside, Foster, Fernbrook, Ramona, Ballena, Witch Creek, Santa Ysabel, and Wynola to Julian.

Route 2

From Julian along State Highway No. 78 to Whispering Pines.

Route 3

From Julian along State Highway No. 79, Sunrise Highway (Mt. Laguna Resort Road), past Mt. Laguna Post Office to Burnt Rancheria.

Route 4

From Julian over State Highway No. 79 to Cuyamaca.

Route 5

From Julian over State Highway No. 78 and Pine Hills Road to Pine Hills Lodge.

(3) That the certificates of public convenience and necessity granted in the order in Decisions Nos. 23369, 41029, and 41069, including the descriptions of routes therein, are hereby revoked and rescinded.

IT IS FURTHER ORDERED that Mountain Stage Line, Inc., be, and it hereby is, authorized on not less than five (5) days' notice to the Commission and the public:

- (a) To establish fares, charges, rules, and regulations as specifically set forth in Exhibit B attached to the application;
- (b) To cancel applicant's local passenger tariffs C.R.C. No. 2 and Cal. P.U.C. No. 5 now on file with this Commission;
- (c) To establish fares, charges, rules, and regulations as specifically set forth in Exhibit C attached to the application;
- (d) To cancel present express class rates and minimum charges;
- (e) To cancel rules and regulations providing for the classification of shipments in accordance with the provisions of the Western Classification No. 72, Cal. P.U.C.-W.C. No. 5 of R. C. Fife, Agent of the Pacific Freight Tariff Bureau Exception Sheet No. 1-R Cal. P.U.C. No. 133 of J. P. Haynes, Agent, and of the supplements and reissues of such publications.

IT IS FURTHER ORDERED that the authority herein granted shall be void unless rates, charges, rules, and regulations published pursuant to this authority are filed and made effective within ninety (90) days after the effective date hereof.

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

Dated at San Francisco, California, this 23rd day of May, 1950.

R. E. Britton
Justin F. Cooper
James H. Russell
Harold H. Kula

COMMISSIONERS

Commissioner..... Kenneth Pottor, being necessarily absent, did not participate in the disposition of this proceeding.