

Decision No. 45664

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Greyhound Lines)
for authority to abandon certain oper-)
ations; to revise seasonal operating)
conditions; and for a new certificate)
of public convenience and necessity in)
lieu of prior grants of operating au-)
thority, in the Lake County area.)

Application No. 32145

Douglas Brookman, for applicant.

H. G. Crawford, City Attorney, for the City of Lakeport,
interested party.

Frederick S. Crumm, for Lake County Chamber of Commerce,
interested party.

Charles W. Overhouse, for California Public Utilities
Commission.

O P I N I O N

In substance applicant, Pacific Greyhound Lines, requests a clarification of its operative rights in Lake County so that its operations in that area might be made more definite as to routes and seasons. Applicant is presently rendering a passenger stage service for the transportation of passengers, baggage and express between the following points in Lake County and Napa County:

(1) Between Ukiah and Upper Lake, via U. S. Highway 101 and State Highway 20;

(2) Between Saratoga Junction and Saratoga Springs, via an unnumbered highway - operated as an optional route on call;

(3) Between West Witter Junction and East Witter Junction, via Witter Springs Post Office over an unnumbered highway. Also operated as an optional route on call;

(4) Between Upper Lake and Calistoga, over State Highway 29;

(5) Between Upper Lake and Middletown over State Highways 20 and 53;

(6) Between Lower Lake and Middletown, over unnumbered highway via Springs Junction, Seigler Springs and Harbin Springs;

(7) Between Lower Lake Junction and Springs Junction, over unnumbered highway - operated as an optional route;

(8) Between Seigler Springs and Loch Lomond, over unnumbered highway - operated as an optional route;

(9) Between Myrtledale Junction and Calistoga, over unnumbered highway, operated on call.

Authority for operations between these points and over these routes is more particularly set forth and described in paragraphs 19, 20 and 21 appearing at sheet 10 in the order of Decision No. 23244, in Application No. 16989, which granted the present certificate, and as modified or amended by subsequent decisions of the Commission. Many of these routes were made optional in nature providing for authorization to operate over one or another prescribed route. Several of said routes were authorized for a seasonal operation between the approximate dates of May 15th and October 1st. Those which were seasonally conditioned included service to Saratoga Springs and Witter Springs Post Office, Upper Lake to Lower Lake via Lucerne and Clear Lake Oaks, Lower Lake Junction to Adams Springs, Middletown to Harbin Springs and Lower Lake to Seigler Springs.

In the place and stead of the above described operative rights a new certificate is sought authorizing applicant to transport passengers, baggage and express shipments not exceeding 100 pounds each, on passenger carrying vehicles only, over the following routes:

<u>Between</u>	<u>And</u>	<u>Via</u>
Upper Lake	Calistoga	State Highway 29
Clear Lake Oaks	Middletown	State Highways 20, 53
Lower Lake Junction	Lower Lake	Unnumbered highway via Springs Junction
Middletown	Springs Junction	Unnumbered highway via Howard and Seigler Springs

Over the following routes applicant proposes to operate a summer-season service which would be provided between the approximate dates of June 10 and September 10 of each year:

- (1) Between Clear Lake Oaks and Lower Lake, via Williams Junction;
- (2) Between Lower Lake Junction and Middletown, via Hobergs;
- (3) Between Middletown over unnumbered highway via Howard and Seigler Springs to Springs Junction.

Over the following routes applicant proposes to operate a winter-season service which would be provided between the approximate dates of September 10 of each year and June 10 of each following year:

- (1) Between Lower Lake Junction and Springs Junction;
- (2) Between Middletown and Lower Lake via State Highway 53.

Applicant further requests authority to have cancelled and to abandon its existing operating authority over the following routes:

- (1) Between Lake County Junction and Upper Lake, over California Highway 20;
- (2) Between Upper Lake and Clear Lake Oaks, over State Highway 20.
- (3) Between Saratoga Junction and Saratoga, over unnumbered highway;

- (4) Between West Witter Junction and East Witter Junction, over unnumbered highway via Witter Springs Post Office;
- (5) Between Seigler Springs and Loch Lomond over unnumbered highway;
- (6) Between Harbin Springs and Junction with unnumbered highway between Middletown and Seigler Springs;
- (7) Between Myrtledale Junction and Calistoga, over unnumbered highway via Myrtledale.

A public hearing was held before Examiner Daly on April 4, 1951, at Lakeport and on April 18, 1951, at San Francisco. The matter was submitted on the latter date.

Appearances as interested parties were made by the City Attorney for the City of Lakeport and by counsel for the Lake County Chamber of Commerce. The City Attorney withdrew his appearance for the City of Lakeport when assured that the proposed service would in no way affect applicant's existing service to that city. As the result of an informal conference between applicant and a committee of the Lake County Chamber of Commerce, held on April 11, 1951, an agreement was reached whereby applicant amended its application to include service between Middletown and Springs Junction via Seigler Springs during the summer season. It was further agreed between the parties that service over this route would be on a trial basis and in the event contemplated road improvements were not made within a year's period, that applicant would request authority from this Commission to discontinue service between these points via Seigler Springs. In view of this agreement and subsequent amendment a representative of the Lake County Chamber of Commerce stated that the Chamber of Commerce would not protest the granting of the authority sought.

The regional manager of applicant, in justification of the relief sought, testified that due to present costs and the fluctuating demand for transportation in this area, which varies greatly between seasons, it is not economically feasible to afford a year round service over all the existing routes. This witness also testified that the present average operating revenue in this area is 23.1 cents per mile as against an average operating cost of 33 cents per mile.

After full consideration of the evidence of record, the Commission is of the opinion and finds that public convenience and necessity require the changes in operations proposed by applicant. A new certificate will be issued in the place and stead of that now in effect in the area involved. Said new certificate will incorporate applicant's proposed changes in operations.

O R D E R

Application having been made, a public hearing having been held and the Commission being fully advised in the premises and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Pacific Greyhound Lines, for the transportation of passengers, baggage and shipments of express not weighing in excess of 100 pounds each to be transported on passenger carrying vehicles only, between termini and over the routes as follows:

Between Upper Lake and Calistoga:

From Upper Lake, over California Highway 29 to Calistoga.

Between Clear Lake Oaks and Middletown:

From Clear Lake Oaks over California Highway 20 to junction California Highway 53 (Williams Junction), thence over California Highway 53 to Middletown.

Between Lower Lake Junction and Lower Lake:

From Lower Lake Junction, over unnumbered highway via Springs Junction to Lower Lake.

(2) That said operations are made subject to the following conditions:

(a) Over the following routes, summer-season service shall be operated between the approximate dates of June 10 and September 10 of each year:

1. Between Clear Lake Oaks and Lower Lake, via Williams Junction;
11. Between Lower Lake Junction and Middletown, via Hobergs;
111. Between Middletown over unnumbered highway via Howard and Seigler Springs to Springs Junction.

(b) Over the following routes, winter-season service shall be operated between the approximate dates of September 10 of each year and June 10 of each following year:

1. Between Lower Lake Junction and Springs Junction;
11. Between Middletown and Lower Lake via State Highway 53.

(3) That the certificate granted in paragraph (1) of the order herein is granted as an extension and enlargement of and consolidated with the operative rights heretofore created by Decision No. 23244, in Application No. 16989.

(4) That the certificate granted in paragraph (1) of the order herein is granted in the place and stead of the operative rights between the points involved as more particularly set forth in paragraphs 19, 20 and 21 appearing at sheet 10; subparagraphs 4, 5 and 6 of subparagraph (a) of paragraph 16 appearing at sheet 22, and paragraphs 18 and 19 appearing at sheet 23, all as set forth in the order of Decision No. 23244, in Application No. 16989; the

operative right created by Decision No. 25839, in Application No. 18811; the operative right created by Decision No. 27518, in Application No. 19661; the authority granted by Decision No. 31364, in Application No. 22239; all of which are hereby revoked and annulled.

(5) That in providing service pursuant to the certificate herein granted, applicant shall comply with the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof and on not less than 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 19 of General Order No. 98, by filing, in triplicate and concurrently making effective appropriate tariffs and time schedules.

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

Dated at Los Angeles, California, this 8th day of May, 1951.

A. J. Anderson
Justin J. Calmes
Harold H. Hale
Kenneth P. Potter
John E. V. [illegible]
COMMISSIONERS