

ORIGINAL

Decision No. 51799

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BEVERLY HILLS GARAGE, INC., a California)
 corporation doing business as BEVERLY)
 MOTOR LIVERY, for a certificate of)
 public convenience and necessity authoriz-)
 ing it to transport passengers and their)
 baggage between Lockheed Air Terminal)
 and certain points in Beverly Hills and)
 West Los Angeles, pursuant to Sections)
 1031-1036 of the Public Utilities Code.)
) Application No. 36893

Glanz & Russell by Theodore W. Russell, for
 applicant.
Arlo D. Poe for Airport Transit, a corporation,
 protestant.

O P I N I O N

Applicant is now authorized to operate as a passenger stage corporation between Santa Monica and the Los Angeles International Airport (Decision No. 45370), and between Beverly Hills Hotel, Pacific Electric Railway Company depot in Beverly Hills, Beverly Wilshire Hotel, Truman's Restaurant in Westwood, and a point in Culver City, on the one hand, and the Los Angeles International Airport, on the other hand (Decision No. 47068). It also has other operating rights to various race tracks and the Tournament of Roses Parade and Rose Bowl which are not pertinent to this application (Decisions Nos. 38222, 39540, 43862 and 44213).

By this application Beverly Hills Garage, Inc., requests a certificate of public convenience and necessity authorizing it to transport passengers and their baggage between Lockheed Air Terminal in the City of Burbank, on the one hand, and, on the other hand, the following points in the City of Beverly Hills: Beverly Hills Hotel (situated at 9641 Sunset Boulevard), Metropolitan

(1)
Coach Lines depot (situated at Santa Monica Boulevard and Canon Drive), Beverly Wilshire Hotel (situated at 9514 Wilshire Boulevard), The Beverly Hilton Hotel (situated at Santa Monica Boulevard and Wilshire Boulevard), and, in addition thereto, Truman's Restaurant (situated at Wilshire Boulevard and Westwood Boulevard in West Los Angeles).

Applicant does not propose to operate over any defined routes. A fare of \$1.09 plus Federal tax is proposed, and service will be provided between the said named points on schedules to meet airline flights. Applicant proposes to use buses and limousines.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa, and the matter was submitted upon written stipulation of the attorneys for the respective parties, reading in part as follows:

"I

"That the following testimony adduced in certain proceedings now pending before this Commission may be considered a part of the record in the within proceeding by reference the same as though said testimony had been received directly as a part of the record in the within proceeding:

"(a) All of the testimony on both direct and cross-examination of Edward J. Billicke adduced at the hearing in the matter of the application of Beverly Hills Garage, Inc., for a certificate of public convenience and necessity to operate as a passenger-stage corporation at the intermediate point of Beverly Hilton Hotel in connection with service to Los Angeles International Airport, on Application No. 35428 on or about February 10, 1955.

(1) Formerly Pacific Electric Railway Company depot.

"(b) All of the testimony of George J. Corsello on both direct and cross-examination adduced at the hearing on April 11, 1955, in the matter of the application of AirporTransit for a certificate of public convenience and necessity authorizing the extension of operations as a passenger-stage corporation, on Application No. 36699.

"(c) All of the testimony on both direct and cross-examination of Edward J. Bilicke adduced at the hearing on April 11, 1955, in the matter of the application of AirporTransit for a certificate of public convenience and necessity authorizing the extension of operations as a passenger-stage corporation on Application No. 36699.

"II

"That if Edward J. Bilicke were called to testify in the within application proceeding, he would testify as follows:

"That he is the president of the applicant; that the within application by which applicant seeks authority to provide a passenger-stage service between points presently served by the applicant in Beverly Hills and the vicinity thereof and the additional point of the Beverly Hilton Hotel, on the one hand, and Lockheed Air Terminal, on the other, has been filed for the purpose of evidencing to this Honorable Commission through a formal application the willingness of the applicant to provide service between the points involved in conformity with the provisions of Section 1032 of the Public Utilities Code (emphasis added).

"That in the regular course of its business the applicant has received some requests to provide service between the points which it now serves in the vicinity of Beverly Hills and Lockheed Air Terminal; that said requests have been received at the rate of

approximately one request per day from all of the facilities now served taken together; that it is his opinion based upon requests which have been made and upon his familiarity with the air transportation demands and requirements of persons who patronize hotels in the Beverly Hills area and who reside in that vicinity, that there is insufficient traffic between the Beverly Hills area and Lockheed Air Terminal to make a service between said points financially self-sustaining (emphasis added).

"That notwithstanding his belief as above set forth, the applicant is ready, able and willing to provide a service on an on-call basis at the rates as proposed by AirporTransit on either limousine type or airport transit type buses. between the Lockheed Air Terminal and the Beverly Hilton Hotel in the event this Honorable Commission shall determine, upon the basis of the evidence before it in the proceedings herein referred to that the public convenience and necessity requires a passenger-stage service between the Beverly Hilton Hotel in Beverly Hills and Lockheed Airport; that applicant can provide such service with equipment, personnel and facilities presently available." (emphasis added).
(2)

We have considered the testimony of Edward J. Bilicke, President of Beverly Hills Garage, Inc., and George J. Corsello, President of AirporTransit, referred to in said stipulation, and we are unable to find that public convenience and necessity require applicant's proposed service between The Beverly Hilton Hotel and Lockheed Air Terminal. Said witnesses did not testify as to any need for bus or limousine services between any of the points now

(2) The "on-call" service applicant proposes in the stipulation does not conform to the authority requested in the application which is for a scheduled operation to meet "air line flight arrivals and departures", and the points of service are not the same.

served by applicant and the said Lockheed Air Terminal. There is no public witness testimony to support this application.

Applicant at present is not authorized to render any service at The Beverly Hilton Hotel or at the Lockheed Air Terminal.

Protestant, in Application No. 36699, requested authority to establish a de luxe bus service between The Beverly Hilton Hotel, on the one hand, and the Los Angeles International Airport and Lockheed Air Terminal, on the other hand, as an extension of a similar service which it now renders between first-class hotels in Los Angeles and Hollywood and said air terminals.

It does not appear that applicant herein desires to operate a regular bus and/or limousine service between the Beverly Hills points named and said Lockheed Air Terminal except insofar as it might prevent protestant from establishing an air terminal bus service to and from The Beverly Hilton.

We are of the opinion that Section 1032 of the Public Utilities Code is not applicable under the facts and circumstances adduced in this proceeding as applicant is not serving between The Beverly Hilton Hotel and any other place, nor has it any authority to serve between any other point in Beverly Hills and Lockheed Air Terminal.

It is our opinion and we find that the evidence of record does not support a finding that public convenience and necessity require the establishment and operation of a passenger stage service as herein proposed by applicant. The application will be denied.

O R D E R

Public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that the application of Beverly Hills Garage, Inc., a California corporation, Application No. 36893, be and it hereby is denied.

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

Dated at San Francisco, California, this 9th day of August, 1955.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners