

Decision No. 58565**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint application of Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth, and Margaret Haworth, co-partners doing business under the firm name of ORANGE BELT STAGES, and Baysel Moyers, doing business under the firm name of MOYERS STAGES, for authority for the former to transfer to the latter operating rights between Fresno and Huron Junction, and for the latter to extend same to Coalinga.

Application No. 41026

O P I N I O N

By this application filed April 13, 1959, as amended May 12, 1959, Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth, doing business under the firm name of Orange Belt Stages, and Baysel Moyers, doing business as Moyers Stages, seek authority to carry out a contract whereby without payment of monetary consideration the Haworths will transfer to Moyers their operative rights as a passenger stage corporation between Fresno and Huron Junction and permit the latter to operate with them along unnamed highways between Huron Junction and Coalinga. This contemplates the continuance of the sellers' present passenger stage service from Visalia along State Highway 198 and along said unnamed highways from Huron Junction to Coalinga, Moyers receiving new operative rights and the Haworths continuing with their present rights.

As justification it is alleged that the principal traffic on the Fresno-Coalinga operation is destined to and from Fresno. Also, it is stated that, in the conduct of its operations between Fresno and Coalinga, Orange Belt has found that the proper servicing of the equipment used has caused wasteful expense. Orange Belt (the Haworths) maintains and services its equipment at its garage at Visalia, requiring the long-distance dispatching of replacement buses and relief drivers.

On the other hand, applicant Moyers is said to conduct operations and servicing primarily at Fresno, and he will be able to so use equipment and assign drivers on his consolidated operations that cost per mile can be reduced and he can otherwise conduct his combined operations more efficiently. Moyers is described as an experienced bus operator in the Fresno area and he believes that such new operation may be properly conducted by him at a profit and without detriment to his present operations. The Commission staff has studied this matter and has recommended that the application be granted. There are no other carriers serving the areas concerned. Applicants request that the relief be granted without holding public hearings, as no new service is sought to be created and there will be no withdrawal or change in the terms and conditions of any existing service. The Commission is of the opinion and finds that the carrying out of this contract will not be adverse to the public interest and that public convenience and necessity require that Baysel Moyers be granted the operative rights between Fresno and Coalinga as hereinafter provided. A public hearing is not required.

O R D E R

Application therefor having been filed and the Commission being fully advised in the premises,

IT IS ORDERED:

1. That a certificate of public convenience and necessity is granted to Baysel Moyers, authorizing him to operate as a passenger stage corporation, as that term is defined in Section 226 of the Public Utilities Code, for the transportation of passengers and their baggage, and express not exceeding 100 pounds in weight per shipment to be transported on passenger-carrying vehicles only, between Fresno and Coalinga over the route hereinafter described to be operated the same as, and to be consolidated with, his other operations.

2. That as to the operative rights granted by ordering paragraph 1 hereof, Baysel Moyers, like his predecessors, is relieved from the minimum rate provisions of Decision No. 31606, in Case No. 4246, as amended.

3. That, in providing service pursuant to the certificate herein granted, applicant Moyers shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period not to exceed thirty days after the effective date hereof.
- b. Applicant shall operate his passenger stage service in both directions between Fresno and Coalinga over and along the following route:

From Fresno, over California Highway 41 to junction unnumbered highway (Elmwood), thence over unnumbered highways via Caruthers, Riverdale and Huron to Coalinga.

4. That Decision No. 52614 dated February 7, 1956, in Application No. 37212, which granted operative rights to Thoburn S. Haworth, Bryan W. Haworth, Ruth H. Haworth and Margaret Haworth, is amended by substituting for the Original Page 3 of Appendix A the First Revised Page 3 attached hereto as Appendix A and by reference made a part hereof.

5. That if Baysel Moyers shall fail to accept the certificate of public convenience and necessity within the time provided in ordering paragraph numbered 3, subparagraph a, the effect of ordering paragraph 4 herein shall be revoked and thereafter shall be of no effect and applicants Haworth shall operate their buses and perform service in compliance with said Original Page 3.

6. That on not less than five days' notice to the Commission and to the public, applicants Haworth shall be relieved of the obligation to operate over said route 4 contemporaneously with the commencement of such service by applicant Moyers.

7. That, on not less than five days' notice to the Commission and to the public, effective concurrently with the establishment of service by applicant Moyers, applicant Moyers shall amend his tariffs by the addition thereto of the rates, fares, rules and regulations for the operation herein involved, and applicants Haworth shall concurrently amend their tariffs by the cancellation of the rates, fares, rules and regulations governing the operation herein involved. Applicants shall also amend their time schedules to reflect the authority herein granted. The tariff and time schedule filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and time schedules set forth in the Commission's General Order Nos. 79 and 98.

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

Dated at San Francisco, California, this 8th day of June, 1959.

E. Leo Fox  
President  
W. E. ...  
Walter ...  
Richard ...  
Commissioners

AUTHORIZED TERMINI AND ROUTES

## 1. Between Visalia and Bakersfield:

From Visalia, over California Highway 198 to junction unnumbered highway (Farmersville Road), thence over unnumbered highway via Farmersville to Exeter, thence over California Highway 65 to Bakersfield.

Restrictions:

- (a) No passengers, baggage or express will be transported in service between Visalia and points west thereof, on the one hand, and Bakersfield, on the other hand, over the route via Exeter, Porterville and Ducor.
- (b) No service shall be rendered to or from points between the junction of California Highway 65 and U. S. Highway 99, said junction included, on the one hand, and Bakersfield, on the other hand.

## 2. Between Visalia and Woodlake:

From Visalia, over unnumbered highway via Ivanhoe to Woodlake.

## 3. Between Visalia and Coalinga:

From Visalia, over California Highway 198 to junction Lemoore Avenue (North Lemoore), thence over city streets to junction D Street and California Highway 198, thence over California Highway 198 to junction unnumbered highway (Huron Road), thence over unnumbered highway via Huron to Coalinga.

## 4. Deleted.

Issued by the California Public Utilities Commission.

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