

Decision No. 59733**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations of)
J. A. TULEY.)

Case No. 6357

Karl K. Roos, for the Commission staff.O P I N I O N

This proceeding filed September 29, 1959, is an investigation upon the Commission's own motion to determine whether respondent J. A. Tuley is now or has been operating as a passenger stage corporation, and by so doing is and has been operating in violation of Section 1031 of the Public Utilities Code by failing to obtain from this Commission a certificate declaring that public convenience and necessity require such operation and if so whether respondent should be ordered to cease and desist from such operation unless and until he obtains such certificate.

On the fifth day of October, 1959, respondent was personally served with a certified copy of the Commission's Order Instituting Investigation in Case No. 6357. Further, in compliance with the direction of the Commission the Secretary of the Commission duly caused an appropriate notice of hearing in such investigation to be mailed to said respondent. Such notice was also served by mail upon Robert C. Newman who is the attorney for respondent.

Pursuant to such notice public hearing was held in Santa Barbara on January 27, 1960, before Examiner Rowe. Evidence both oral and documentary was introduced by the Commission staff. No appearance was made on behalf of respondent.

Based upon the uncontradicted evidence of record the Commission hereby finds that respondent J. A. Tuley has held himself out to provide and has provided for the public a scheduled service as a passenger stage corporation as defined in Section 226 of the Public Utilities Code between Vandenberg Air Force Base on the one hand and Montecito on the other hand over and along U. S. Highway 101 and California Highways 1 and 150, daily commencing in April 1959, and continuing to and including December 31, 1959, all without first having had issued to him a certificate of public convenience and necessity as provided in Section 1031 of said Code. From the foregoing findings of fact the Commission is of the opinion and concludes that in the performance of said acts heretofore described, without the holding of such certificate of public convenience and necessity, respondent J. A. Tuley violated said Section 1031 of the Public Utilities Code of the State of California.

O R D E R

A public hearing having been held and based upon the above findings,

IT IS ORDERED:

1. That J. A. Tuley cease and desist from operating as a passenger stage corporation as defined in Section 226 of the Public Utilities Code of the State of California, unless and until he shall have first obtained a certificate of public convenience and necessity from this Commission as required by Section 1031 of said Public Utilities Code.

2. That the Secretary is directed to cause a certified copy of this order to be personally served upon respondent J. A. Tuley, and that this order shall be effective twenty days after service is completed.

Dated at San Francisco, California, this 29th day of February, 1960.

[Signature] President
[Signature]
[Signature]
[Signature]
Theodore Deisser Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.