

ORIGINAL

Decision No. 69196

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of
Kenneth James Kopecky for certificate
of public convenience and necessity
to operate passenger and baggage service
between San Diego, California, San
Bernardino, California, and the Mammoth
Lakes Recreation Area, Calif.

) Application No. 47307
) (Filed February 1, 1965)

Kenneth J. Kopecky, in propria persona.
McCutchen, Doyle, Brown, Trautman &
Enersen, by Craig McAtee, for
Greyhound Lines, Inc., Western Greyhound
Lines Division; Robert Penn, for
Willingham Bus Lines, Inc.; and James C.
Ruane, for Goodall's Charter Bus
Service, Inc.; protestants.
W. R. Kendall, for the Commission staff.

O P I N I O N

This application was heard and submitted before
Examiner DeWolf at San Diego on April 6, 1965.

Copies of the application and the notice of hearing were
served in accordance with the Commission's procedural rules.

The protestants are Greyhound Lines, Inc., Western Greyhound
Lines Division, Willingham Bus Lines, Inc., and Goodall's Charter
Bus Service, Inc. A transportation representative appeared for
the Commission staff.

Applicant requests authorization to institute and
conduct operations as a passenger stage corporation for the trans-
portation of passengers and their baggage between San Diego,

California, and the Mammoth Lakes Recreation Area, California, and intermediate points, and return. Applicant presently does not possess any authority to transport passengers within the State of California. Applicant proposes a schedule to be operated on a seasonal basis only during the skiing season to Mammoth Lakes Recreation Area and to make one round trip per week commencing November 15 or thereabouts, each year, or at such time as snow conditions at Mammoth Mountain permit the full opening of the ski season, and to May 15 or thereabouts of the following year, trips to originate and terminate in San Diego, California, with an intermediate stop in San Bernardino, California. Applicant proposes fares and time schedules as follows:

<u>From:</u>	<u>To:</u>	<u>One way</u>	<u>Round Trip</u>
San Diego	Mammoth Lakes Area	\$12.00	\$19.00
San Diego	San Bernardino	4.00	7.00
San Bernardino	Mammoth Lakes Area	10.00	16.00

Fridays
Only

Frequency

Sundays
Only

6:00 p.m.	Lv.	San Diego	Ar.	12:55 a.m.
8:20 p.m.	Ar.	San Bernardino	Lv.	10:50 p.m.
8:40 p.m.	Lv.	Mammoth Lakes	Ar.	10:40 p.m.
2:30 a.m.	Ar.	Mammoth Lakes	Lv.	4:00 p.m.

Distance from
Main Terminal

0 miles
112 ..
409 ..

Terminal

San Diego
San Bernardino
Mammoth Lakes

Applicant testified that he has made banking arrangements to purchase a used bus which is available and has made arrangements for insurance; that he has three diesel mechanics

employed in a truck rental business in which he is half owner; and that the cost of the bus will be \$7,000.00. Applicant testified that he had made a study of the route and found that he would need 17 passengers on each round trip to break even; that he would hire a school bus driver to make the weekend trip and would go along himself to act as relief driver.

Applicant further testified that in the event of breakdown of his equipment it would be possible for him to charter a relief bus from other companies in San Diego, or even from the Greyhound Company.

Applicant did not offer the testimony of any expert witnesses in the transportation business and did not call any public witnesses or furnish any proof that the proposed service had been requested by the public or that there was any public need for the service.

Applicant claimed no previous experience in the operation of carriers of any kind and testified to occasional experience only as a truck driver or bus operator. Exhibit E attached to the application describes the assets of a truck rental company in which the applicant claims a fifty per cent interest.

Two passenger bus lines and a charter bus service appeared and offered evidence in opposition to the application. Four exhibits were received in evidence from protestants. Exhibit 1 is a schedule service pattern of the Greyhound Lines. Exhibit 2 is Greyhound Bus Schedule No. 6, effective January 6, 1965, San Francisco, Reno, Salt Lake City, and Chicago, via

Overland Route. Exhibit 3 is Greyhound Bus Schedule No. 10, effective January 6, 1965, Los Angeles, Indio, and San Diego. Exhibit 4 is a statement of the Greyhound Lines, Inc., on passenger statistics for the period March, 1964 through February, 1965.

Three witnesses testified for protestants. The director of traffic for the Greyhound Lines, Inc., testified that he has engaged in bus transportation for 30 years; that Greyhound has been providing a specialized service for skiers from the Los Angeles area to the Mammoth Recreation Area and runs from 12 to 14 buses at times on weekends from the Los Angeles area; and is prepared and has a certificate to provide a similar service from San Diego. The witness testified that at present the Mammoth Mountain Inn will meet the regular bus schedules at Mammoth Junction, when requested by passengers. The protestant witness testified that Greyhound has empty seats available on its regular schedules as disclosed in Exhibit 4, and this run has been operating at an economic loss due to the low load factor from March, 1964 to February, 1965; and that issuance of a certificate to this applicant would further reduce the patronage of protestant on this line. The witness testified that Greyhound has 40 buses available in the San Diego area and can call on Reno, Nevada, and other areas for other buses in emergencies, when needed. All of protestant witnesses testified that they had not received a call or request for this type of individual transportation to the Mammoth Mountain Recreation Area.

The witness for Greyhound testified that Greyhound has a certificate for this route and that it has additional buses and

equipment operating on the highway and has need for more traffic under its certificate to assist in reducing the losses suffered under its regular daily schedules.

Upon consideration of the evidence the Commission finds that applicant has failed to establish that public convenience and necessity require the proposed service. The application will be denied.

O R D E R

IT IS ORDERED that Application No. 47307 is denied.

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

Dated at San Francisco, California, this 8th day of June, 1965.

Fredrick B. Halbach
President
George J. Hoover
Secretary
William W. Bernard
Commissioners