

ORIGINAL

Decision No. 72002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
SAN DIEGO ECONOMY LINE, INC., a
California Corporation for a Certificate
of Public Convenience and Necessity to
Extend its Route from College Grove
Shopping Center in the city of San Diego
to San Ysidro, Port of Entry in the city
of San Diego via Spring Valley Shopping
Center, Bonita and Chula Vista.

Application No. 48622
(Filed July 14, 1966)

Freddie L. Allen, for applicant.
W. L. McCracken, for Western
Greyhound Lines, protestant.
Curtis M. Fitzpatrick, Deputy City
Attorney, for City of San Diego,
interested party.
Fred G. Ballenger, for the Com-
mission staff.

O P I N I O N

This application was heard before Examiner DeWolf at San Diego on November 16 and 17, 1966; on the 17th it was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestant is Western Greyhound Lines.

Applicant is a passenger stage corporation presently transporting passengers between the Cities of San Diego and Calavo Gardens. Applicant also holds a certificate between Calavo Gardens and Lakeside.

Applicant requests authorization to extend such passenger stage operations so as to transport passengers from College Grove

Shopping Center via Ryan Road, College Boulevard, Broadway Avenue, Sweetwater Road, South Bay Freeway, Sweetwater Road, Bonita Road, "E" Street, Third Avenue, Beyer Way, North Vista Avenue, to a terminal adjacent to the International Border at San Ysidro, and return.

Applicant proposes fares or rates to be assessed for this service and rules and regulations governing the same to be set forth in revised tariffs to be filed with the Commission. Appropriate zones and fares will be made similar to those in effect on the other route of applicant, fares from 30 cents to 65 cents, and with six round trips each day, Monday through Saturday.

Applicant alleges that the proposed service will provide public transportation between large residential communities, shopping centers, professional offices, and industrial areas in which many of the residents are employed or with which they do business, and that the proposed service will provide economical public transportation for seasonal farm laborers and residents of the Sweetwater Valley farming communities of Sunnyside and Bonita and other areas. Applicant further alleges that there is no public transportation as a crosstown service in this area; that the proposed service will provide a belt line connection via a direct route between the communities, and will also connect with the Western Greyhound Bus service and the San Diego Transit System.

Applicant's operating officer and manager testified to the need for this service, the company's ability to provide the service, and that the financial condition of the company at the present time is similar to that set forth in the annual report filed with the

Commission for 1965. The company has five buses, one in daily use, one for a spare, and three which are in need of repairs. The manager testified that applicant has available and will assign a full-time driver for this route and, if the application is granted, is prepared to operate the proposed schedule for a minimum trial period of 75 days.

Twelve public witnesses testified in support of the application. Eight of these are businessmen and store managers who testified to the need for this transportation in the area. The others testified that they would use the transportation. One of the witnesses testified that he circulated a petition in the Hobart Heights area, which is in evidence as Exhibit No. 18. The statement at the heading of the petition is as follows:

"We, the undersigned residents, having examined the map on the right hand side of this sheet and being resident within walking distance of the route shown, declare our interest in the bus service proposed to be operated by the SAN DIEGO ECONOMY LINE, INC. AND THAT WE OR SOME MEMBER OF OUR FAMILY WOULD OCCASIONALLY FIND NEED FOR RIDING SUCH SERVICE IF APPROVED BY YOUR COMMISSION. We therefore request your commission to give favorable consideration to the proposed service."

There are 108 signatures with addresses affixed to the petition and a map of the proposed route on page 1 of Exhibit 18 is reproduced and attached. The witness testified that each of the signatures was affixed to the petition in his presence and that the attention of each person who signed was directed to the paragraph at the top of the petition.

Exhibit 1, introduced by applicant, is a large map of this area showing the routes of the San Diego Transit System, the routes of Western Greyhound Lines, the existing routes of applicant, and the routes proposed by this applicant.

Witnesses for applicant testified that this service is needed on the route outlined for College Grove, Lemon Grove, Spring Valley, Bonita, Hobart Heights, Chula Vista and Port of Entry at San Ysidro.

Proposed zone boundaries are delineated in Exhibit "B" of the application; schedules are described on Exhibit "C", a map of the routes is outlined in Exhibit "D", and the estimated result for 75 operating days is estimated in Exhibit "E", as amended, as follows:

Estimated Revenue	\$8,167.50
Estimated Cost	6,707.11
Estimated Profit	1,460.39

Western Greyhound Lines opposed the entire application. The assistant to the vice president in charge of traffic testified for protestant describing its operations. The proposed operations from Chula Vista to San Ysidro practically parallel protestant's routes. Protestant introduced into evidence Exhibit 4 containing copies of protestant's operating authority and Exhibits 5, 6, 7 and 8, which are protestant's timetables. Protestant operates 72 southbound and 68 northbound schedules daily from San Diego to San Ysidro. Fifty-passenger buses regularly are assigned to these routes. Exhibits 10 and 11 list protestant's fares and equipment. Exhibits 12 and 13 are statements concerning protestant's Spanish language commercials. Exhibit 14 sets out the locations of protestant's agencies. Exhibits 15, 16 and 17 summarize

statistical results of a survey conducted by the protestant on October 31, 1966, November 2, 1966, and November 5, 1966, regarding origin and destination of passengers carried in local service between Chula Vista and San Ysidro, the totals being as follows:

<u>Date</u>	<u>Origin and Destination at or South of Chula Vista</u>	<u>Totals</u>
October 31	832	4,165
November 2	607	3,730
November 5	607	6,092

Summarizing protestant's testimony and evidence, it is apparent that protestant is already providing satisfactory service to all points between Chula Vista and San Ysidro, except Hobart Heights, and desires to continue to do so, and that it does not provide service to Hobart Heights or between Chula Vista and College Grove.

The City of San Diego appeared as an interested party but did not offer any evidence. Counsel for the City stated that the City had discussed with applicant the purchase of its authority, but that no offers had been considered and that the City opposed this application. Counsel for the City could not give any definite information regarding the time of purchase by the City and stated that it might be a year or more before anything could be formalized.

Findings

1. Applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the service hereinafter authorized.

2. The service herein authorized will place direct transportation facilities within the areas to be served.

3. Public convenience and necessity require that the proposed service be established as herein authorized. ✓

The Commission concludes that the application should be granted to the extent set forth in the ensuing order.

Applicant is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to San Diego Economy Line, Inc., a California corporation, authorizing it to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the transportation of passengers between the points and over the route more particularly set forth in Original Page 5 of Appendix A attached hereto and made a part hereof.

2. Appendix A of Decision No. 67201, as heretofore amended, is further amended by incorporating therein Original Page 5, attached hereto.

3. At the expiration of 75 days' operation under this authority, applicant shall file a report with the Commission setting forth the results of the operation for said period. Any losses incurred from this route are not to be used as basis of a request for a fare increase on applicant's other route.

4. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-B. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A or 101-B, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.

- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

5. In the event applicant seeks to discontinue service on the College Grove - San Ysidro route authorized herein after seventy-five days of service, it shall, within one hundred and thirty-five days and not sooner than seventy-five days after the effective date of tariff and timetable filings required by paragraph 4(b) hereof, (1) file a notice of intention to discontinue the service upon fifteen days' notice to the Commission and the public, such notice to be posted conspicuously on its buses, (2) file a report on the seventy-five day operation, and (3) amend its tariff and timetable filings to reflect the discontinuance of service, such filings to be made effective not earlier than ninety days after establishment of service, on not less than fifteen days' notice to the Commission and the public. The filing of the notice of intention, the report, and the tariff and timetable amendments required above shall be made simultaneously.

Upon the effective date of the tariff and timetable filings,
unless otherwise ordered by the Commission, applicant may abandon
the route and may have its certificate canceled.

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

Dated at San Francisco, California, this 15th
day of FEBRUARY, 1967.

John E. Mitchell
President
William H. Bennett
Augustus
William Sproule, Jr.
Paul P. Moussey
Commissioners

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 2. College Grove - San Ysidro

Commencing at the College Grove Shopping Center located at the intersection of Ryan Road and College Boulevard in San Diego, thence along Ryan Road, College Boulevard, Broadway Avenue, Sweetwater Road, South Bay Freeway, Sweetwater Road, Bonita Road, "E" Street, Third Avenue, Beyer Way and North Vista Avenue to the International Border at San Ysidro.

RESTRICTION:

Passengers whose origin and destination are both between the intersection of Second Avenue and "E" Street in Chula Vista and the International Border, both points inclusive, shall not be transported. This restriction, however, shall not apply to passengers boarding or alighting along Beyer Way between Main Street and North Vista Avenue.

Issued by California Public Utilities Commission.

Decision No. 72002, Application No. 48622.