

ORIGINAL

Decision No. 72923

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THOMAS LAWRENCE NOLEN, FRANK ELMER)
EADS III, NORMAN SAMUEL HOSTETTER,)
MAURICE EMILE BEAUREGARD, JR., &)
MAURICE EMILE BEAUREGARD, SR., a)
partnership, doing business as)
TRAVEL-ALL TRANSPORTATION COMPANY,)
of Oceanside, for a permit to)
operate as a charter-party carrier)
of passengers. (File No TCP 423).)

Application No. 49407

Thomas Lawrence Nolen and Maurice E. Beauregard,
Sr., for applicants.
W. L. McCracken, for Western Greyhound Lines,
Division of Greyhound Lines, Inc.; Franklin W.
Lilley, Ernest C. Michel, Dale Austin and
Earnest Taylor, for the City of Oceanside;
Joseph Geier, for Yellow Cab Company of
Oceanside; Herman Eckstein, for Del Mar Yellow
Limousine Charter Service; Ray Campbell, for
San Clemente Stage Lines, Inc., and on his
own behalf; protestants.
Fred G. Ballenger, for the Commission staff.

O P I N I O N

Applicants herein applied on May 12, 1967 for a permit to operate as a charter-party carrier of passengers under Sections 5371 and 5375 of the Public Utilities Code. The application was set for hearing after several letters were received which informed the Commission that the applicants' proposed operation may be that of a passenger stage corporation and require a certificate of public convenience and necessity rather than a permit.

A public hearing was held in Oceanside on June 20 and 21, 1967, before Examiner Fraser. Thomas Lawrence Nolen testified as follows for the applicants: They operate seven nine-passenger

station wagons from the Camp Pendleton Marine Base to various points in San Diego County and occasionally to points in Los Angeles County; the vehicles are loaded at one of the designated taxi stands in Camp Pendleton and do not normally carry anyone on the return trip; applicants now operate under a taxi permit from the County of San Diego and a taxicab license from the Provost Marshals of Camp Pendleton and the Marine Base at Twenty-Nine Palms; the county license authorizes the pickup or deposit of passengers in the unincorporated area of the county and the Camp Pendleton and Twenty-Nine Palms permits authorize applicants to operate taxicabs in the camps and from the camps to outside points; this application was filed to satisfy numerous requests for charter service; a travel service in Oceanside has advised applicants of a need for chartered station wagons to transport small groups to airports and train stations in situations where hiring a bus would not be justified; individual passengers have also inquired if charter service is available; these men prefer to rent a car and driver for a specified period, rather than rely on a series of cabs; if applicants are granted a charter-party carrier permit an office will be opened in Oceanside and the charter service will be advertised on billboards, in the classified section of the telephone book, in local newspapers and possibly by radio; applicants will not solicit business from the taxi stands in Camp Pendleton, however; this procedure is illegal and it is anticipated that they will receive sufficient business over the phone to make personal solicitation unnecessary; applicants anticipate no difficulty in keeping the charter operation separate from their taxi service, since the former will be directed from Oceanside and

the latter from Camp Pendleton; cabs operating from the Marine base are required to charge the fares which have been selected and published on cards provided by the Provost Marshal; if a cab provides service to points for which no rate is published, the cab owner must submit his charges to the Provost Marshal and, if approved, the rates remain on file in the latter's office and in each individual cab; applicants' cabs rigidly observe these rules; otherwise, they would not be permitted to operate on or from Camp Pendleton; applicants' equipment consists of the following nine-passenger (including driver) station wagons: a 1960 Pontiac, a 1963 Chrysler, two 1964 Mercurys, a 1964 Plymouth, a 1965 Mercury and a 1965 Chevrolet; all are owned by individual applicants; two are registered to Nolen, two to Beauregard, Sr., one to Hostetter and two to Eads; all vehicles have insurance coverage on each accident of \$100,000 per person injured, \$300,000 total per accident and property damage liability of \$25,000; all of the applicants drive and three additional men operate the other vehicles under a lease agreement; applicants have operated their cabs since March of 1967; they decided to request statewide operating authority because it is difficult to anticipate the destination of charter trips and they hope to continue expanding if business is as good as they expect it to be.

Two of the protestants presented evidence. The City Manager of the City of Oceanside testified regarding the Oceanside Municipal Bus System, its service to Camp Pendleton, Vista and Encinitas and the charter service it offers. Western Greyhound Lines, Inc., placed three brochures in evidence which included a complete description of the scheduled and charter service provided

by Greyhound Lines. Protestants and the Commission staff expressed concern that the applicants may be unwilling or unable to keep their charter business separate from their taxi service.

Findings and Conclusions

Based upon the record the Commission hereby finds that:

1. Applicants have operated since March of 1967 under authority of a taxi permit from San Diego County.
2. Applicants also hold a taxi permit from the Marine Corps authorizing operations on, from and to the Marine Corps installations at Camp Pendleton and Twenty-Nine Palms.
3. Taxis operated on, to or from Marine Corps installations are required to charge individual fares or vehicle rental fees which have been selected and approved by the Provost Marshal's office as the authorized rate between the camp and outside point involved. Rates to the populated areas are listed on large cards which are issued to individuals and posted at taxi stands. Any rate charged to a nonlisted point must be filed with and approved by the Provost Marshal.
4. A travel service and other prospective customers have requested that applicants provide a charter service.
5. Applicants propose to operate their charter service from an office in Oceanside with the seven nine-passenger station wagons they operate as taxis.
6. Applicants will not solicit charters at their taxi stands. They plan to advertise extensively to advise those who wish charter service to call or visit their Oceanside office.
7. Applicants have demonstrated satisfactory fitness and financial responsibility to conduct the proposed service and their

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intention of complying with the rules and regulations of this Commission.

Based on the above findings the Commission concludes that a charter-party permit should be granted and that it should be noted thereon that service in, to or from the Marine Corps installations is a taxi service and not authorized by the permit.

O R D E R

IT IS ORDERED that:

1. Application No. 49407 is hereby granted and a permit to operate as a charter-party carrier of passengers is hereby issued to Thomas Lawrence Nolen, Frank Elmer Eads III, Norman Samuel Hostetter, Maurice Emile Beauregard, Jr. and Maurice Emile Beauregard, Sr., a partnership, doing business as Travel-All Transportation Company.

2. The permit shall include a notation on the face thereof that "service provided by the permittees in, from and to Marine Corps installations is a taxi service and not authorized by this permit".

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

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

William L. Brown President
August
William L. Brown
J. P. Thomson Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.