

ORIGINALDecision No. 74844

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 LARRY D. BUTLER, an individual, doing)
 business as SANTA CLARA VALLEY TRANSIT,)
 of Santa Paula, California, for a) Application No. 50304
 certificate to operate as a Class "B") (Filed June 10, 1968)
 Charter-Party Carrier of Passengers,)
 (File No. TCP-9-B).)

Beach, Stone, Smith & Drescher, by Lyman R. Smith,
 for Larry D. Butler, dba Santa Clara Valley
 Transit, applicant.

W. L. McCracken, for Western Greyhound Lines; Jim
McKenzie, for Associated Charter Bus Company
 and A-C Coach Lines; and Arthur Melni, for
 Melni Bus Service; protestants.
John de Brauwere, for the Commission staff.

O P I N I O N

Applicant Larry D. Butler, doing business as Santa Clara Valley Transit, filed an application for a Class "B" certificate to operate as a charter-party carrier of passengers within a service area that shall not encompass more than a radius of 40-air miles from the home terminal at 214 Craig Drive, Santa Paula, Ventura County, California.

Public hearing on the application was held before Examiner Cline at Santa Paula on July 17, 1968. At the hearing applicant amended his application to limit pick-up service to points within Ventura County as well as within the 40-air mile radius of the Santa Paula terminal, but applicant's counsel stated that applicant is unwilling to have any certificate which may be issued to applicant further restricted by eliminating such cities in Ventura County as Oxnard and Ventura. The matter was taken under submission upon the filing of the transcript on July 29, 1968.

Section 5375.1 of the Public Utilities Code in part provides: "The commission shall not grant a certificate to such an applicant" ~~/an applicant for a Class "A" or Class "B" charter-party carrier of passengers certificate/~~ "unless it can be shown that the existing charter-party carrier of passengers serving the territory is not providing services which are satisfactory to the commission and adequate for the public."

The only issue raised in the proceeding by the protestants which must be resolved by the Commission is whether the existing charter-party carriers of passengers serving the territory involved in the application as amended at the hearing are, or are not, providing services which are satisfactory to the Commission and adequate for the public.

Upon a consideration of the record herein, the Commission finds as follows:

1. Western Greyhound Lines, hereinafter sometimes called Greyhound, holds Charter Certificate No. TCP-12-A, which grants authority to originate at any point within the State of California and operate to any point within the State of California.
2. Greyhound originates numerous charters within the area proposed to be served by applicant.
3. Greyhound has sufficient equipment available to serve all customers who call upon Greyhound and all customers Greyhound may seek and obtain in the area proposed to be served by applicant.
4. Greyhound has enough equipment to handle more charter business than it now handles in the area proposed to be served by applicant.
5. There are 74 carriers holding Class "A" certificates to operate as charter-party carriers of passengers with bases of operations in Southern California which compete with Greyhound in the intrastate charter business in California.

6. Greyhound contacted 400 organizations in Ventura County that could charter buses within the last year as a part of its marketing activities.

7. Greyhound has telephone book yellow page advertising for its bus lines and charter service in the following telephone directories:

- (a) Oxnard, Camarillo, Newbury Park, Port Hueneme and Thousand Oaks.
- (b) Santa Monica.
- (c) Santa Barbara.
- (d) Canoga Park, North Hollywood, Reseda, and Van Nuys.

8. Greyhound has telephone book yellow page advertising for its bus lines in the following telephone directories:

- (a) Ventura County--Fillmore, Moorpark, Ojai, Piru, Saticoy, Simi, and Ventura.
- (b) Santa Paula.

9. The Greyhound agent in Ventura conducts a personalized type of solicitation of charter business.

10. Greyhound has telephone book yellow page advertising for its charter service in the Los Angeles directory.

11. In Los Angeles Greyhound has a regional marketing office with a solicitor whose main job is to solicit charter business.

12. The Greyhound solicitation program conducted at the Los Angeles Office includes part of the area around Santa Paula.

13. Greyhound on-line charter agency locations within a 40-air mile radius of Santa Paula or adjacent thereto include terminals at Los Angeles and Santa Barbara staffed with its own personnel and commission agents at the following cities: Camarillo, Carpinteria,

Fillmore, Glendale, Gorman, Hawthall, North Hollywood, Oxnard, Piru, San Fernando, Santa Monica, Santa Paula, Saugus Junction, Thousand Oaks, Van Nuys and Ventura.

14. There are also numerous travel agents within a 40-air mile radius of Santa Paula who are Greyhound agents.

15. Santa Paula Travel Service, located at Santa Paula and owned and operated by Mr. and Mrs. Swan, is a Greyhound agent which sells Greyhound charter services.

16. During the month of March, 1968, Greyhound received \$23,242.68 in revenue from the operation of 141 buses carrying 4,419 passengers in its charter service, having points of origin within the area 40-air miles from Santa Paula, which includes portions of Los Angeles, Santa Barbara, and Kern Counties as well as substantially all of Ventura County.

17. \$7,315.37 in revenue, 67 buses and 2,218 passengers were involved in the Greyhound charters that originated within Ventura County during March of 1968.

18. A total of 18 buses were used to transport 654 passengers with revenue of \$1,944.54 on the Greyhound charters originating within the City of Santa Paula during the 1-year period of 1967.

19. Charter revenue is a very important source of supplementary revenue to the regular route service operations through Santa Paula.

20. Greyhound's ability to perform charters permits a better utilization of its equipment and drivers.

21. During the first half of June, 1968, Greyhound had an average of three inter-city buses per day available for charter at Oxnard.

22. None of the 1,598 Greyhound buses are school bus type.

23. Associated Charter Bus Company, hereinafter called Associated, and A-C Coach Lines, hereinafter called A-C, perform charter operations within a 40-air mile radius of Santa Paula.

24. Associated and A-C have their main offices in Van Nuys and branch offices in Santa Barbara.

25. Associated and A-C operate in excess of 300 buses. Eleven are air-conditioned and reclining-seat coaches and the balance are school buses.

26. Associated and A-C have 65 buses stationed in Santa Barbara which are available for charter work. These buses range in capacity from 8 to 53 adults and from 12 to 79 students.

27. Associated and A-C bring their services to the attention of the public through the local phone books, personal contacts by the manager and public relations men and direct mail.

28. Associated and A-C seek and receive business in the Santa Paula - Ventura - Oxnard area.

29. Harvey School Bus, Pacific, Scenic, M & M Charter Lines, Arrow Coach, Santa Monica Transit, Greyhound, Santa Barbara Transit, and Melni Bus Service all compete with Associated and A-C for charter business. There are sufficient carriers to meet the needs of the public.

30. Associated and A-C operate 85 buses out of the Van Nuys office. These buses range in capacity from 24 to 61 adults and from 24 to 91 students.

31. Associated and A-C charge for deadhead time from Van Nuys to either Ventura or Santa Paula. The deadhead charge is 40 cents per mile over 15 miles, or \$8 each way for the 35-mile trip between Santa Barbara and Santa Paula. No deadhead charge is made if the distance is within 15 or 20 miles.

32. Melni Bus Company holds a Class "A" charter-party carrier of passengers Certificate No. TCP-84-A.

33. Melni Bus Service has been in the charter business for six years and has offices in Santa Barbara, Santa Maria and Ventura.

34. Melni Bus Service has 10-passenger limousines, 45-passenger inter-city charter buses and school buses ranging in capacity from 12 to 79 students. Two pieces of equipment are kept in Ventura, two in Santa Maria and 12 in Santa Barbara.

35. Melni Bus Service solicits business from various service clubs and organizations throughout Ventura County through Mail-O-Matic, Incorporated; it has telephone answering service on a 24-hour basis, and one of its bus drivers and Mr. Melni personally solicit business in Ventura County.

36. There are more than enough buses to meet the charter bus needs of the public in Ventura County.

37. The existing charter-party carriers of passengers servicing Ventura County and the area within a radius of 40-air miles of Santa Paula are providing services which are satisfactory to the Commission and adequate for the public.

Based upon the foregoing findings, the Commission concludes that it may not grant the certificate requested by the applicant and the application, as amended, should be denied."

ORDER

IT IS ORDERED that the application herein of
Larry D. Butler, doing business as Santa Clara Valley Transit,
is denied.

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

Dated at San Francisco, California, this 22nd
day of OCTOBER, 1968.

William Symons, Jr.
President
Stallman L. Bennett
Auditor
Frank P. Mansfield
Commissioners