

ORIGINALDecision No. 75078

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DENNIS PETTAS, an individual,)
dba PETTAS TRANSPORTATION, of)
Pittsburg, California, for a)
Class "B" certificate to operate)
as a charter-party carrier of)
passengers, (File No. TCP-11-B).)

Application No. 50415
(Filed July 16, 1968)

Richard D. Sanders, for applicant.
Joseph A. Maltby, for Diablo Charter
Lines; Richard E. Twining, for Sierra
Lines and Adams Charter; Robert A.
Burrowes, for Vaca Valley Bus Lines
and Lincoln Bus Lines; Truman Tilley,
for Tiger Lines, protestants.
W. L. McCracken, for Western Greyhound
Lines, Division of Greyhound Lines, Inc.,
interested party.
H. H. Nichols, for the Commission staff.

O P I N I O N

By this application Dennis Pettas, an individual doing business as Pettas Transportation, seeks a Class B passenger charter-party carrier certificate. Applicant's home terminal is located at 1105 Railroad Avenue, Pittsburg (Contra Costa County), California.

Public hearing was held before Examiner Fraser in Pittsburg on October 1, 1968. The matter was submitted on a stipulation from the parties after the applicant and several members of the public briefly testified.

Applicant testified as follows regarding his operations: He has been in the business of operating buses for 45 years; in addition he held a government contract to pick up and deliver mail for 32 years, until he had to withdraw because of inability to lift and carry heavy mail sacks; he has operated all of the Pittsburg

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school buses since 1924 and has been engaged as a charter-party carrier of passengers since this category was defined by statute; his last charter-party carrier permit was to have expired on October 11, 1968; he went down to renew his permit in July 1968 and was advised that the law had been changed on November 8, 1967 to provide that existing operators should apply to have their operating authority renewed by March 7, 1968, and since he had not applied within the required period a hearing would be scheduled to enable him to prove fitness and the financial ability to provide the service and the public need for it; he would have applied to renew his authority within the allotted period had he known of the requirement; he owns nine buses with which he plans to continue the same operation he has been handling to date; he is experienced and competent in handling buses, but his lack of education makes it difficult for him to respond to special directives requiring an ability to understand new instructions or statutes; he will continue to serve his customers in the Pittsburg area and will not pick up passengers in Walnut Creek or Concord, except for the Concord Naval Weapons Station; and he does not plan any expansion into other areas but will continue the same service he has been providing for many years.

The public witnesses who were present to support the application included two ministers from different churches, the assistant superintendent of the Pittsburg Unified School District, a member of the local school board, a representative from the local Rehabilitation District, an individual from the Concord Naval Station and an individual from the Pittsburg Park and Recreation Department.

Protestants volunteered to withdraw their protests if the applicant would agree to a restricted service area in Contra Costa County encompassed by a radius of ten miles from his home terminal but excluding points within the city limits of Walnut Creek and Concord except for the Concord Naval Ammunition Depot. Upon applicants' agreement to this restriction, all appearances combined to present a stipulation which provided that all protests would be withdrawn.

Findings and Conclusions

1. Applicant had a passenger charter-party carrier permit issued prior to the 1967 revisions of the "Passenger Charter-Party Carriers' Act". Said permit was unrestricted and expired on October 11, 1968, after the submission of this case.
2. Applicant was eligible to file for a Class A passenger charter-party certificate but due to misunderstanding and oversight failed to do so within the "grandfather" period which expired March 7, 1968.
3. Applicant has requested a Class B certificate to authorize him to continue to perform a charter service within the limited area where he has operated for 45 years.
4. All protests were withdrawn as soon as it became evident that applicant would restrict his operation to the area he had served in the past.
5. Public convenience and necessity require that the proposed service be authorized.
6. Applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation service.

7. Applicant has the experience, equipment, personnel and resources to maintain the proposed service.

8. Applicant has operated in the area he seeks to serve for many years. The granting of this application will therefore not create a new operator or additional competition for other carriers.

The Commission concludes that applicant should be granted a Class B passenger charter-party carrier certificate with a service area in Contra Costa County encompassing the territory within a radius of 10 air miles from applicant's home terminal at 1605 Railroad Avenue in Pittsburg, excluding all points within the city limits of Walnut Creek and Concord except for the Naval Ammunition Depot in Concord.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Dennis Pettas, an individual, doing business as Pettas Transportation, authorizing him to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area in Contra Costa County encompassing a radius of 10 air miles from applicant's home terminal at 1605 Railroad Avenue, Pittsburg, including the Naval Ammunition Depot, Concord, but excluding all other points and areas within the city limits of Concord and Walnut Creek.

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

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service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

Applicant 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. 115-A.

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

Dated at San Francisco, California, this 10th day of DECEMBER, 1968.

William J. Sproul
President

August
W. P. Morrissey
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.