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ORIGINAL

Decision No. 78730

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of ARBON SPANGLER, and MILDRED
SPANGLER, a partnership dba SOLANO
BUS COMPANY, for a Class "B" Cer-
tificate to operate as a Charter-
Party Carrier of Passengers, Solano
County.

Application No. 52432
(Filed January 29, 1971)

Arbon Spangler and Mildred Spangler, in propriae
personae, applicants.
W. L. McCracken, Attorney at Law, for Greyhound
Lines - West (Division of Greyhound Lines, Inc.);
George E. Lannan, for Continental Trailways;
W. K. Miller, for Eastshore Lines; A. T. Smith,
for Falcon Charter Service; Richard E. Twining,
for Sierra Line; William C. Harvey, for Adams
Charter; Alexander B. Allen, for Allen Trans-
portation Company; Horace Simmons and Marvin R.
Willinger, for Vaca Valley Bus Lines; protestants.
Keith L. Grimm, for California Charter Bus Associ-
ation, interested party.
Tack S. Joe and S. A. Mahan, for the Commission
staff.

O P I N I O N

Applicants have applied for authority to pick up charters within a radius of 40 air-miles from their terminal in Fairfield (Section 5371.2, Public Utilities Code) and to transport the charters to any points in this state, in or outside of their pickup area of 40 miles (Section 5383, Public Utilities Code). Applicants now hold a charter-party carrier permit. They operate out of a terminal in Fairfield, Solano County, with three 26-passenger buses, five 12-passenger and five 9-passenger vehicles.

A public hearing was held on March 22, 1971, in San Francisco before Examiner Fraser.

Arbon Spangler testified that applicants are now transporting passengers and personnel for Travis Air Force Base. They handle occasional charters under their permit but feel the need of a Class "B" certificate to satisfy the increasing demand for bus transportation. He testified that his friends and passengers frequently request charter service that he is not authorized to perform. If this application is granted, they can be accommodated. He argued that there is sufficient business in the Fairfield-Vallejo area for another charter operator and that protestants will not be inconvenienced by a small local company. Applicants presented no other witnesses or evidence. They refused to reduce their pickup area to less than a radius of 40 air-miles from Fairfield; they reasoned to do so would place them at a disadvantage in competing with other operators.

All of the protestants presented testimony, and Greyhound Lines, West, placed several documents in evidence. All protestants are operating throughout the area the applicants seek to serve by the present application. All listed their operating equipment and provided testimony that they can handle more business. The representative from Continental Trailways testified that the Bay Area has too many charter carriers now, since charter revenue is important to all passenger carriers. It was noted that there are probably 70 to 75 charter operators in the Bay Area who were certificated under the provisions of the Public Utilities Code, as a result of holding permits when the law was changed to require a certificate for operations formerly conducted under a permit. Arbon Spangler closed by stating that applicants have applied to provide a more extensive service to the people, in and near Fairfield, who prefer the service of a local operator.

Findings and Conclusion

1. Applicants have applied herein for a Class "B" charter-party certificate.
2. Applicants have failed to show that public convenience and necessity require an additional certificated charter-party carrier in the area they have applied to serve.
3. There has been no showing that the existing charter-party carriers of passengers serving the territory are not providing service satisfactory to the Commission and adequate for the public.
4. Public convenience and necessity do not require the proposed service.

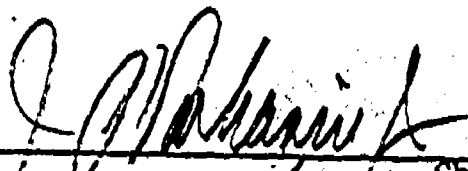
We therefore conclude that the application should be denied.


O R D E R


IT IS HEREBY ORDERED that Application No. 52432 is denied.


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


Dated at San Francisco, California, this 26th day of MAY, 1971.



Chairman








Commissioners