

ORIGINAL

Decision No. 79511

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
WEST VALLEY CHARTER LINES, a corporation,)
Complainant,

vs.

EMERALD CHARTER LINES, a corporation,
Defendant,

and/or

CLYDE ROBBINS, dba
EMERALD CHARTER LINES,
Defendant,

and/or

CLETUS L. ABBOTT, dba
EMERALD CHARTER LINES,
Defendant,

and/or

ALLEN ROBBINS, dba
EMERALD CHARTER LINES,
Defendant.

Case No. 9223
(Filed May 13, 1971)

Robert M. Kaiser, Attorney at Law, for West Valley
Charter Lines, complainant.
Donald G. Roesch, Attorney at Law, for Emerald
Charter Lines, Inc., defendant.
Robert E. Bouchet and R. W. Hannam, for the
Commission staff.

O P I N I O N

On May 13, 1971, John J. Habr and Lois J. Habr, doing
business as West Valley Charter Lines, filed a complaint alleging
that defendants Emerald Charter Lines, Inc., a corporation,

Clyde Robbins, Cletus L. Abbott, and Allen Robbins were operating as a passenger stage corporation between points and places in Santa Clara County and San Mateo County, and the United Airlines Maintenance Base at San Francisco International Airport without a certificate of public convenience and necessity authorizing such operations.

A public hearing on the complaint was held on August 12, 13, and 17, 1971 before Examiner Porter and the matter was submitted on August 23, 1971.

Evidence was produced that defendants operate a charter-passenger service pursuant to a Class A certificate authority (TCP-11-A) issued by this Commission and they alleged that by charter arrangement they provide passenger service to and from the United Airlines Maintenance Base at the San Francisco International Airport. A fixed rate is charged to passengers of the service. A passenger who is employed by United Airlines, but not an employee of defendants, utilizes the service, collects fares and remits the fares to the defendants. The route traversed by the defendants while subject to slight modification is between fixed termini. The defendants are paid a fixed rate for the utilization of the buses; taken into account is the passenger capacity of the bus used and any holidays for the employees of the maintenance base. The defendants perform the book-keeping for the person allegedly chartering the buses.

Based on the evidence, it is clear that defendants have charged on an individual fare basis within the purview of Section 1035 of the Public Utilities Code and the Commission so finds.

The Commission concludes that:

1. Defendants operate a bus service for passengers and have charged and assessed on an individual fare basis to and from the United Airlines Maintenance Base at San Francisco International Airport.

2. Defendants have conducted operations as a passenger stage corporation as defined in Section 226 of the Public Utilities Code between the points referred to above.

3. Defendants do not hold any operating authority from this Commission as required by Section 1031 of the Public Utilities Code to operate as a passenger stage corporation, and having charged on an individual fare basis in certain of its operations they should be ordered to cease and desist from such operations.

O R D E R

IT IS ORDERED that defendants Clyde Robbins, Cletus L. Abbott and Allen Robbins, doing business as Emerald Charter Lines, Inc., shall cease and desist from operations as a passenger stage corporation in the transportation of persons to and from the San Francisco International Airport.

The Secretary of the Commission is directed to cause personal service of this order to be made upon the defendants. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 21st
day of DECEMBER, 1971.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners