

Decision No. 79676

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NEWHALL-SAUGUS-VALENCIA CHAMBER
OF COMMERCE, CANYON COUNTRY
CHAMBER OF COMMERCE,

Complainant,

vs.

ANTELOPE VALLEY BUS, INC., a
corporation, THE GREYHOUND BUS
COMPANY, a corporation,

Defendant.

Case No. 9303

ORDER OF DISMISSAL

The complainants herein seek an order from this Commission "permitting the Southern California Rapid Transit District to institute a bus service...." within the Newhall-Saugus-Valencia and Canyon Country area of Los Angeles County. They further request an order "...restraining both Greyhound Bus Company and the Antelope Valley Bus, Inc., from interferring (sic) with the operation of said bus route."

Both defendants have submitted letters of defects to the Commission, pursuant to Rule 12 of the Commission's Rules of Practice and Procedure. Both defendants call attention to the fact that Southern California Rapid Transit District is not subject to the certificate jurisdiction of this Commission.

Similarly, both defendants cite Public Utilities Code Section 30637, which states:

"The district shall not establish, construct, complete, acquire, operate, extend or reroute (all of the foregoing being hereinafter referred to by the word 'establish' in all forms thereof), directly or indirectly, either itself or by lease or contract with any other person or persons or otherwise, any rapid transit service or system in such manner or form as will or may, either then or at any time in the future, divert, lessen or compete for the

patronage or revenues of the existing system of a publicly or privately owned public utility without the consent of the said utility."

Defendants maintain that the protection granted by the Legislature, pursuant to this portion of the enabling legislation may not be taken away by the Commission.

By letter dated January 10, 1972, complainants admit that they "...can find no cases which are determinative of the issue [Section 30637] one way or the other." However, complainants assert that it is "inconceivable" that the Commission does not have this power.

The Commission's research has also disclosed no authority for an order which would restrain defendants from availing themselves of any protection afforded them by Section 30637. It would appear that the proper forum for complainants is the Legislature.

It would further appear that under the provisions of Section 30637, the Commission has no authority to permit the Southern California Rapid Transit District to institute the service contemplated in the complaint, or to restrain such institution of service should such be attempted. In Los Angeles Metropolitan Transit Authority v. Public Utilities Commission (1959) 52 Cal.2d 655, 661, the California Supreme Court stated that this Commission has no control over routes of the Los Angeles Metropolitan Transit Authority. Southern California Rapid Transit District is the successor corporation to the Los Angeles Metropolitan Transit Authority. (Public Utilities Code, Section 30001.)

Therefore, the Commission concludes that it has no authority to grant the relief requested in the complaint and that the complaint must be dismissed.

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IT IS ORDERED that the complaint herein is dismissed.
The effective date of this order is the date hereof.

Dated at San Diego, California, this 8th
day of FEBRUARY, 1972.

William Johnson, Jr. Chairman
[Signature]
[Signature]
[Signature]
[Signature] Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.