

Decision No. 81246

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PIONEER THEATRES
INCORPORATED dba ROADIUM DRIVE-IN
THEATRE, for a Class "B" Certifi-
cate to operate as a charter-party
carrier of passengers, Gardena.
(File No. TCP-28-B)

Application No. 53681
(Filed November 6, 1972)

L. D. Gasteiger, for applicant.
Russell & Schureman, by Carl H. Fritze, Attorney
at Law, for Continental Trailways, Inc.,
American Bus Lines, Inc., and Continental
Pacific Lines; James H. Lyons, Attorney at
Law, for Airport Service, Inc., and Orange
Coast Sightseeing Co.; W. J. Cutbirth, Jr.,
for Gray Line Tours Co.; Stephen B. Ringwood,
Attorney at Law, for Greyhound Lines-West;
and Sherman Miller, for Torrance Transit
System; protestants.
R. W. Russell, Chief Engineer & General Manager
of Dept. of Public Utilities & Transporta-
tion, by K. D. Walbert, for City of Los
Angeles, interested party.

OPINION AND ORDER

The application is for a Class "B" certificate to
operate as a charter-party carrier of passengers (Public Utilities
Code Section 5351, et seq.). A public hearing was held
before Examiner Rogers in Los Angeles on February 8, 1973.
At the hearing, the complete evidence presented by applicant was
as follows:

"The Witness: The purpose of our appearance here today
is to try to satisfy a need and demand that we have in connection
with the unique type of bus that we operate.

"We have two of these buses. They are the double-
decker English buses."

"Our intent and purpose is to be in line with the law regarding it in order to charter or to lease it; and finding that it is also that, in order to get the necessary insurance to handle people going outside of our particular route that we are following now which is a noncharter. It is -- no fees are charged in using it. It's just a part of our operation that we have in connection with our swap meet operations at the theatre.

"But in view of the demand, charitable groups call and ask for the leasing of the bus, you have clubs that ask for the leasing of the bus, and primarily due to the uniqueness of it; otherwise, we would not even be interested in it.

"We feel we must charge these people in order to do that. We feel that we have to have a license to do that.

"We do not intend to go beyond the 50-mile limit which would be located at 2500 Redondo Beach Boulevard, Gardena as the center, the radius from which we would operate.

"That is basically the plan we have.

"Examiner Rogers: Let me ask you, Mr. Gasteiger, was this the complete showing that you intended to make?

"The witness: It's just that simple in my estimation. I don't know what more is required, I mean --"

Thereupon, each protestant moved to dismiss the application for failure to show public convenience and necessity and to comply with the requirements of the law. The act requires a showing of public convenience and necessity, and financial responsibility (Sections 5371 and 5375). The applicant made no showing except as stated.

We find that the applicant failed to show that public convenience and necessity require the granting of the permit and

that it failed to show financial responsibility. We conclude that the motions to dismiss the application should be granted.

IT IS ORDERED that the application is dismissed.

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

Dated at San Francisco, California, this
10th day of APRIL, 1973.

Vernon L. Sturgeon
President
William Symons, Jr.

[Signature]

[Signature]
Commissioners

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