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Decision No. 83003

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LOREN E. PEARSON,)
(PEARSON CHARTER SERVICE), for a)
Class "B" certificate to operate)
as a charter party carrier of)
passengers, Ukiah (File TCP-30B).)

Application No. 54423
(Filed October 30, 1973)

OPINION AND ORDER
DENYING REHEARING

In Application No. 54423, Loren E. Pearson has filed a petition for rehearing of Decision No. 82674. Mr. Pearson is the applicant in Application No. 54423 for a Class B charter-party carrier of passengers certificate to operate out of his home terminal in Ukiah, Mendocino County. In Decision No. 82674, issued April 2, 1974, the Commission found that Mr. Pearson had not made the required showings that the existing service is inadequate or that the public convenience and necessity require his proposed service. Accordingly, the application was denied.

Chapter 8 of Division 2 of the Public Utilities Code sets forth the provisions regulating charter-party carriers of passengers. Specifically, Section 5371 requires such a carrier to obtain from the Commission a certificate that the public convenience and necessity require the proposed service. The applicant must also show that he "possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services". (Section 5375.) Section 5375.1 requires, where the proposed service area is presently served, that the applicant demonstrate that present service is not adequate.

As discussed in Decision No. 82674, applicant simply did not make the necessary showing to warrant grant of a certificate of public convenience and necessity. It is clear from the record that four charter operators are presently authorized to serve the proposed service area. It is also clear from the record that applicant

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has no experience in connection with charter operations and has not worked as a bus operator since 1953.

We affirm our earlier decision and therefore deny the petition for rehearing. Petitioner is, of course, free to file a new application at any time that he believes he can make the necessary showing of public convenience and necessity.

In order to state more specifically our basis for denying this petition for rehearing and affirming our earlier decision we will make certain changes in the findings and conclusions set forth in Decision No. 82674.

IT IS ORDERED that Decision No. 82674 is amended by substituting the following findings and conclusions for those set forth in said decision:

"FINDINGS:

- "1. Applicant has applied for a Class B charter-party certificate.
- "2. Applicant does not have any experience in the field of charter operations.
- "3. Applicant proposes to drive the bus himself but has no recent experience driving buses.
- "4. Applicant would operate the charter business on a part-time basis.
- "5. Applicant would do the maintenance of the bus himself.
- "6. Applicant owns the 1963 G.M.C. bus outright.
- "7. Applicant has not made any projection of costs or revenues for his proposed charter operation.
- "8. A minimum of four charter operators are presently authorized, willing, and able to serve Ukiah.

"CONCLUSIONS:

- "1. Applicant has failed to show that public convenience and necessity require an additional certificated charter-party carrier of passengers in the area he has applied to serve.
- "2. 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.
- "3. The application should be denied."

IT IS FURTHER ORDERED that the petition for rehearing of Decision No. 82674 is hereby denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 18th day of June, 1974.

Samuel L. Sturgeon
President
William L. Sturgeon
William L. Sturgeon
William L. Sturgeon
William L. Sturgeon
Commissioners