

ORIGINAL

Decision No. 83006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROBERT ORMOND ERNST, dba  
SEE THE WEST CHARTERS, for a Class "B"  
certificate to operate as a charter-  
party carrier of passengers.

Application No. 54508

(Filed December 11, 1973)

R. O. Ernst, dba See The West  
Charters, for himself,  
applicant.

Russell & Schureman, by  
Christopher Ashworth, Attorney  
at Law, for Continental Trail-  
ways, Las Vegas-Tonopah-Reno  
Stage Lines, American Buslines,  
Inc.; Richard M. Hannon, Attorney  
at Law, for Greyhound Lines;  
Knapp, Gill, Hibbert & Stevens,  
by Warren N. Grossman, Attorney  
at Law, for The Grey Line Tours  
Company; and Warren K. Miller,  
for Suburban Transportation;  
protestants.

R. W. Russell, Chief Engineer &  
General Manager, Department of  
Public Utilities & Transportation,  
by K. D. Walpert, for the City of  
Los Angeles; and Stephen T. Parry,  
for the Southern California Rapid  
Transit District; interested  
parties.

John deBrauwere, for the Commission  
staff.

O P I N I O N

By this application, Robert Ormond Ernst, doing business  
as See The West Charters, requests a Class "B" certificate to  
operate as a charter-party carrier of passengers. Protests to the

granting of the application were received. Protestant Greyhound Lines, Inc. advised the Commission that it is an existing certificated charter-party carrier of passengers serving the same territory. Under such circumstances the Commission must hold a hearing before granting a requested certificate. (See California Public Utilities Code Section 5375.1.)

Hearing was held on March 4, 1974 before Examiner Mattson in Los Angeles, California. Mr. Ernst appeared in support of his application. Separate counsel appeared for protestants Continental Trailways (and others), Greyhound Lines, Grey Line Tours Company, and Suburban Transportation. The matter was taken under submission on March 4, 1974.

Applicant's Evidence

Mr. Ernst testified on his own behalf. He is a retired police officer of the city of Los Angeles. He desires to become an owner-operator of a charter-party carrier service in Los Angeles, California. He has investigated the cost of a GM 4104 bus in good used condition. He has in excess of \$9,000 cash on hand to invest in acquisition of a used bus and in meeting cash operating requirements. He made a telephone survey in the proposed service area and believes that he can obtain tour business for his proposed transportation service. His financial ability to initiate and conduct the proposed service is strengthened by the fact that as a retired police officer he receives monthly retirement payments.

Protestants' Evidence

Four witnesses testified on behalf of protestants Grey Line Tours, Greyhound Lines, American Buslines and Las Vegas-Tonopah-Reno Stage Lines. Their evidence established that existing charter-party carriers are offering charter bus service in the proposed service area (see Exhibits 3 and 6).

The protestants testified that they compete with each other for charter-party business as well as with other transportation companies that offer service in the proposed area. The evidence presented established that protestants are certificated to serve the proposed area, use advertising and commission agents to promote and sell transportation service, originate hundreds of charter-party trips monthly, and have large numbers of buses available for charter-party carriage.

Conclusion

The evidence establishes that Mr. Ernst possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed charter-party service. Protestants question applicant's claim that public convenience and necessity require the proposed service. We do not reach that question.

The legislature has provided that the Commission cannot grant the requested certificate unless it can be shown that existing charter-party carrier service is unsatisfactory to the Commission and inadequate for the public. (California Public Utilities Code Section 5375.1.) There is no evidence which would support the required findings.

The telephone survey testified to by Mr. Ernst included questions as to whether individuals had used a charter bus service and whether they were satisfied with the charter service. The total group contacted was small in number (approximately 100), and less than half had used a charter bus. The testimony shows that over 25 percent of the users were "not satisfied". The survey obviously involves a small number of individuals who express dissatisfaction. Moreover, the charter service referred to might, or might not, involve service in the proposed area by a certificated carrier.

The application must be denied.

Findings

1. Robert Ormond Ernst, doing business as See The West Charters, proposes to operate as a Class "B" charter-party carrier of passengers. The proposed home terminal would be at 12100 Ocean Park Boulevard, Los Angeles, California.

2. The proposed service area is already served by charter-party certificate holders. Greyhound Lines-West and Grey Lines Tours Company, among other protestants, are certificated to serve the proposed area.

3. No evidence of unsatisfactory and inadequate service by existing certificate holders was presented.

We conclude that the application should be denied.

O R D E R

IT IS ORDERED that the application for a Class "B" charter-party carrier certificate is denied.

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

Dated at San Francisco, California,  
this 13th day of JUNE, 1974.

Vernon L. Sturgeon  
President  
William Synovis J.  
[Signature]  
[Signature]  
[Signature]

Commissioners