

Decision No. 83879

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARK IV CHARTER LINES, INC.,

Complainant,

vs.

Case No. 9839

SOUTHERN CALIFORNIA
COMMUTER BUS SERVICE, INC.,
d.b.a. COM BUS,

Defendant.

ORDER GRANTING CEASE AND DESIST
AND SETTING HEARING

Complainant Mark IV Charter Lines, Inc. (Mark IV) is a passenger stage corporation operating under a certificate of public convenience and necessity from this Commission. Defendant Southern California Commuter Bus Service, Inc. (Com Bus) is also a certificated passenger stage corporation.

Mark IV alleges that it had an agreement with Com Bus whereby Com Bus would act as liaison between Mark IV and Mark IV's passengers on its Route 3. Com Bus was also to act as agent for Mark IV for the collection of fares. Mark IV states that this agreement was terminated on December 3, 1974, and as of December 9, 1974, the passengers were dealing directly with Mark IV.

Mark IV alleges that as of December 6, 1974, Com Bus has been operating one of its own coaches on Mark IV's Route 3, and that Com Bus has no authority to provide service on this route. There is also an allegation of similar unauthorized service by Com Bus over Mark IV's Route 6, though the facts of such operations are not spelled out.

The Commission regards attempts by a certificated passenger stage corporation to interfere with the service of another passenger stage corporation as a most serious matter. When such interference takes the form of direct competition over the same, or substantially the same, routes and pickup points for the same passengers there is not only a threat to the economic viability of both utilities, but also a peril to the safety of passengers, pedestrians, and other motorists. The threat increases in proportion to the enthusiasm of the competition. One of the functions of certificates to operate specific routes and to utilize specific pickup points is to obviate this peril.

The Commission is of the opinion that the complaint, though brief in its factual allegations, has demonstrated sufficient cause for the issuance of a cease and desist order pursuant to Section 1034 of the Public Utilities Code. We further believe that this matter should be set for immediate hearing.

IT IS ORDERED that:

1. Defendant Com Bus shall immediately cease and desist from operating passenger stage service over the routes of complainant Mark IV without prior authorization from this Commission.

2. Hearings on this order, and on the complaint, shall be held at the Commission courtroom in the State Building, 107 S. Broadway, Los Angeles, California, on Monday, December 23, 1974, before Examiner Blecher.

3. The normal ten-day notice of hearing is waived in order to have an immediate hearing. Defendant is relieved of the necessity to respond to the complaint, as contemplated in Rules 12 and 13 of the Commission's Rules of Practice and Procedure.

The Secretary shall cause immediate service of this order on the parties.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of DECEMBER, 1974.

Vernon L. Sturgeon
President
William Lynous Jr.
[Signature]
[Signature]
Robert E. McLeod
Commissioners