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Decision No. 83977

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PALM SPRINGS SIGHTSEEING & CHARTER  
CO., doing business as GOLDEN  
STATE CHARTER LINES and LEISURE  
SIGHTSEEING AND CHARTER CO.,

Complainant,

vs.

Case No. 9847

MARK IV CHARTER LINES, INC.,

Defendant.

ORDER DENYING INTERIM RELIEF  
AND SETTING HEARING

Complainant PALM SPRINGS SIGHTSEEING & CHARTER CO., doing business as GOLDEN STATE CHARTER LINES and LEISURE SIGHTSEEING AND CHARTER CO. (Leisure) is a passenger stage corporation operating pursuant to a certificate of public convenience and necessity granted by this Commission. Defendant MARK IV CHARTER LINES, INC. (Mark IV) is also a passenger stage corporation operating under a certificate of public convenience and necessity.

Complainant Leisure alleges that defendant Mark IV is conducting operations as a passenger stage corporation over Leisure's Route 5 between 190th Street near Western Avenue in Torrance, and the McDonnell Douglas Astronautics Company in Huntington Beach, California.

Leisure further alleges, and the Commission records confirm, that Mark IV holds no authority to operate over this route.

The complaint alleges that complainant Leisure had given defendant Mark IV permission to operate over this route, contingent upon complete supervision and control by Leisure and Mark IV's agreement that it would cease operations upon advice from Leisure. This Commission has not been officially informed of this arrangement, other than through the statements contained in this complaint.

While the Commission frequently grants requests for interim cease and desist orders pending hearing in cases where the allegations show invasion of a passenger stage corporation's routes by a competitor (Mark IV v. Com. Bus., D.83879 (12/17/74)) the Commission is reluctant to do so in this instance. It appears from the complaint that complainant encouraged and aided defendant in beginning these unauthorized operations. Complainant now seeks to have the Commission extricate it from this situation. While the Commission may eventually agree with complainant, we are not moved to do so based upon the allegations of the complaint alone. We shall therefore deny interim relief and set this matter down for early hearing.

IT IS ORDERED that:

1) Complainant's request for an interim cease and desist order pending hearing is denied.

2) Hearings on this complaint shall be held at the Commission Courtroom, State Building, 107 South Broadway, Los Angeles, California, on Monday, January 13, 1975, before Examiner Blecher.

3) The normal 10-day notice of hearing is waived in order to have an early hearing. Defendant is relieved of the necessity of responding to the complaint, as contemplated in Rules 12 and 13 of the Commission's Rules of Practice and Procedure.

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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 7th day of JANUARY, 1975.

Vernon L. Sturgeon  
President  
William J. Quinn-Jr.  
Edward J. ...

Commissioners