

Decision No. 84064

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN E. COOK,  
an individual, doing business  
as COOK'S CHARTER BUS SERVICE,  
for authority to adjust its  
rates.

Application No. 54734  
(Filed March 14, 1974)

James H. Lyons and J. Terence Lyons,  
Attorneys at Law, for John E. Cook,  
applicant.  
Richard M. Hannon, Attorney at Law,  
for Greyhound Lines, Inc. (Western  
Division), protestant.  
Major G. S. Tait, for the  
Commanding General, Twentynine Palms  
Marine Corps Base, interested party.

O P I N I O N

This application is a request by John E. Cook, an individual doing business as Cook's Charter Bus Service, for authorization to increase fares and charges of his passenger stage service by approximately 30 percent. Applicant also requests authority to establish one-way fares for service between the Twentynine Palms Marine Corps Base and points along Highway 62, on the one hand, and Los Angeles and San Diego, on the other hand.

The applicant's present operations are authorized by passenger stage Certificate No. 927 issued pursuant to Decision No. 81349 dated May 8, 1973 in Application No. 53642 filed October 13, 1972, amended February 2, 1973. Section 1(c) of Certificate No. 927 limits the San Diego and Los Angeles service to round-trip passengers only. Applicant also conducts daily bus operations between Twentynine Palms Marine Corps Base and Palm Springs, including intermediate points, pursuant to authority granted by Certificate No. 927.

After due notice, one day of hearing was held at Twentynine Palms, California, on August 22, 1974. Greyhound Lines, Inc.- Western Division (Greyhound) appeared and protested the requested modification of the certificate which would authorize one-way service. Greyhound did not protest the requested increase in rates and charges.

A Commission staff report on the requested increase in passenger fares was prepared by the Transportation Division, Passenger Operations Branch, Surface Passenger Engineering Section. This staff report was received in evidence as Exhibit 7. The report analyzes the passenger stage operations of applicant for the calendar year 1973 historical year and the year 1975 as a rate year. The staff report concluded that the common carrier operations of applicant are being operated at a financial loss at present rates. Moreover, the staff study concludes that at the requested rates and charges the applicant's passenger stage operations in 1975 will still fail to show any profit. No one questioned the reasonableness of the staff's estimates.

As noted above, Greyhound protested the request to amend the certificate to authorize one-way service to San Diego and Los Angeles. The sole issue raised by the protest to the application was whether or not applicant's certificate should be amended by deletion of the limitation of transportation to round-trip passengers only on the San Diego and Los Angeles routes. Greyhound contends in their brief that additional modification of the certificate is appropriate. Greyhound protested only the request for one-way service and under the circumstances we shall restrict our consideration of amendment of the certificate to that issue.

As noted above, applicant has no authority to offer one-way service on the Los Angeles and San Diego routes. As a result, all passengers must purchase round-trip tickets for these routes. Two witnesses (Marine Corps officers) testified that passengers from the Marine Base objected to purchasing round-trip tickets when they intended to travel one way. Greyhound contends that this testimony

is objectionable hearsay, and demands a right to cross-examine the passengers. It is difficult to see any substance in Greyhound's objection. The testimony establishes that passengers from the Marine Corps Base object to purchasing round-trip tickets on the San Diego or Los Angeles routes, when they require only one-way passage on the only direct bus service available, and the witnesses had knowledge of such objections. The evidence clearly supports the requested certificate change.

The traffic study offered by Greyhound indicated that in a two-week period only 16 of 24 Greyhound passengers to Twentynine Palms originated in Los Angeles and San Diego. This evidence will not support a finding that Greyhound will lose such traffic to applicant's service.

#### Findings

1. Applicant John E. Cook, an individual doing business as Cook's Charter Bus Service, is presently conducting passenger stage service between Twentynine Palms Marine Corps Base (the Marine Base) and Palm Springs, and intermediate points, pursuant to the certificate granted by Decision No. 81349 dated May 8, 1973. Applicant also conducts passenger stage operations between the Marine Base, on the one hand, and Los Angeles and San Diego, on the other hand, pursuant to said certificate. Section 1(c) of said certificate limits the Los Angeles and San Diego service to transportation of round-trip passengers only.
2. Applicant has requested rate increases of approximately 30 percent as set forth in Exhibit A attached to the application.
3. Applicant's passenger stage service operated at a financial loss in 1973, and at both present and proposed rates is estimated to operate at a financial loss in 1975, as set forth in detail in Exhibit 7.

4. The increased rates and charges requested by the application are just and reasonable; present rates and charges, insofar as they differ from those prescribed by this decision, are for the future unjust and unreasonable.

5. Applicant's present passengers to Los Angeles and San Diego include servicemen from the United States Marine Corps Base at Twentynine Palms. These passengers are required to purchase round-trip tickets when they need only one-way service. The testimony of Marine Corps officers and other witnesses establishes that public convenience and necessity require that applicant be authorized to provide one-way service to and from San Diego and Los Angeles.

6. The existing operations and business of protestant Greyhound Lines, Inc. (Western Division) will be unaffected by the authorization of one-way service.

Conclusion

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to John E. Cook, an individual, doing business as Cook's Charter Bus Service, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 81349, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

4. John E. Cook, an individual, doing business as Cook's Charter Bus Service, is authorized to establish the increased rates proposed in Application No. 54734, except that no one-way fares between Twentynine Palms Marine Corps Base and points along Highway 62, on the one hand, and Los Angeles and San Diego, on the other hand, shall be established until Ordering Paragraph 1 is effective. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

5. The authority shall expire unless exercised within ninety days after the effective date of this order.

6. In addition to the required posting and filing of tariffs, applicant shall give notice to the public by posting in his buses and terminals a printed explanation of his fares. Such notice

shall be posted not less than five days before the effective date of the fare changes and shall remain posted for a period of not less than thirty days.

The effective date of this order in regard to Ordering Paragraphs 4, 5, and 6 is the date hereof. The effective date of this order in regard to Ordering Paragraphs 1, 2, and 3 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 11th  
day of FEBRUARY, 1975.

Vernon L. Sperry  
President  
William J. Synn  
Leonard Rose  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions and privileges applicable thereto.

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All changes and amendments as authorized by the  
Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Issued under authority of Decision No. 84064, dated  
FEB 11 1975, of the Public Utilities Commission of  
the State of California, in Application No. 54734.



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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operative authority heretofore granted to John C. Hastie.

John E. Cook, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between Palm Springs Airport, on the one hand, and Twentynine Palms Marine Corps Base, on the other hand, and between Twentynine Palms Marine Corps Base, on the one hand, and San Diego and Los Angeles, on the other hand, and intermediate points over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS. (Continued)

- (d) John E. Cook shall not pick up or discharge passengers at intermediate points between Palm Springs, on the one hand, and San Diego or Los Angeles, on the other hand.
- (e) The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

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## SECTION 2. ROUTE DESCRIPTIONS.

John E. Cook is authorized to conduct passenger stage operations over and along the following described streets and highways:

Route No. 1 - Palm Springs Airport - Twentynine Palms USMC Base

Beginning at Palm Springs Airport, in the City of Palm Springs, via McCallum Way, Tahquitz Drive, Indian Avenue, Vista Chino, Palm Drive (Desert Hot Springs), Pierson Boulevard, State Route 62 through Morongo Valley, Yucca Valley and Joshua Tree to Adobe Road (Twentynine Palms), thence Adobe Road and Condor Road to entrance to Twentynine Palms Marine Corps Base in San Bernardino County.

Returning via reverse of going route to Palm Springs, thence via Vista Chino, Palm Canyon Drive, Amado Road, Indian Avenue, Alejo Road, Sunrise Way, Tahquitz Drive and McCallum Way to Palm Springs Airport.

Route No. 2 - Twentynine Palms USMC Base - San Diego

Beginning at Twentynine Palms Marine Corps Base south on Adobe Road; west and south on Twentynine Palms Highway and Highway 62 to Interstate 10; west on Interstate 10, west on Highway 60 to Highway 395; south on Highway 395 and Interstate 15 to San Diego; north on Interstate 5 to Front Street off ramp; south on Front Street to "F" Street; west on "F" Street to USO Club, 510 West "F" Street, San Diego. From San Diego, leave USO Club, 510 West "F" Street east on "F" Street to Front Street; north on Front Street; south on Interstate 5; north on Highway 395 to Highway 60; east on Highway 60 and Interstate 10 to Highway 62; north and east on Highway 62 and Twentynine Palms Highway to Adobe Road; north on Adobe Road to Twentynine Palms Marine Corps Base.

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## SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route No. 3 - Twentynine Palms USMC Base - Los Angeles

Beginning at Twentynine Palms Marine Corps Base south on Adobe Road; west and south on Twentynine Palms Highway and Highway 62 to Interstate 10; west on Interstate 10 and San Bernardino Freeway to Los Angeles, leaving at Broadway off ramp; south on Broadway to 5th Street; west on 5th Street to Hill Street; north on Hill Street to USO Club, 428 South Hill Street. From Los Angeles, leave USO, 428 South Hill Street; north on Hill Street to 4th Street; east on 4th Street to Broadway; north on Broadway to San Bernardino Freeway (Interstate 10); east on Interstate 10 to Highway 62; north and east on Highway 62 and Twentynine Palms Highway to Adobe Road; north on Adobe Road to Twentynine Palms Marine Corps Base. -

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