

Decision No. 84259

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GREYHOUND LINES, INC.  
(WESTERN DIVISION),  
a corporation,

Complainant,

vs.

Case No. 9882

AIR CREW TRANSIT, INC.,

Defendant.

ORDER DENYING INTERIM RELIEF

Complainant is a passenger stage corporation operating under the jurisdiction of this Commission. Defendant is a passenger stage corporation and a charter-party carrier of passengers subject to the jurisdiction of this Commission. Defendant conducts its passenger stage operations between Oxnard, Thousand Oaks, and the Westlake community, on the one hand, and Los Angeles International Airport on the other.

Complainant alleges that defendant is providing passenger stage transportation for the general public between intermediate points along its authorized route. This intermediate transportation is contrary to the certificate of public convenience and necessity issued to defendant, which requires it to restrict its services to passengers who have an origin or destination at the Los Angeles Airport.

Accompanying the allegation of improper activity under its authority from this Commission is a notarized statement of Mr. R. M. Rogers, District Manager for complainant. This statement indicates that Mr. Rogers purchased transportation from

Oxnard to Thousand Oaks for the cash sum of \$2.50. Neither ticket nor receipt was given for the money. Complainant seeks an order requiring defendant to cease and desist from this improper activity.

Based solely upon the pleadings in this proceeding, we cannot grant this request. There is only one alleged instance of improper activity indicated on the part of defendant or its employees. There is no allegation that this is continuing practice of defendant. Indeed, we do not even know whether defendant is aware of this practice, since the fare was paid to the driver in cash rather than having a ticket issued. The complaint does not indicate whether complainant has informed defendant of this activity and asked that it be stopped.

Complainant also requests that defendant's Application No. 55294, which resulted in an interim order under which defendant is now operating, be dismissed pending disposition of this complaint. Were we to grant this request, defendant would be required to cease all passenger stage operations, since it is only operating on interim authority obtained in Application No. 55294.

The request for interim relief in the form of a cease and desist order against defendant must be denied for the following reasons:

1. Complainant has not alleged immediate and irreparable injury.
2. Complainant has not alleged that the activity complained of here is a continuous activity, rather than a one-time affair.

We also note that there is no suggestion that complainant has approached defendant with regard to the activity which is the subject matter in this complaint. If such an informal

approach had been made, we would assume it would have been mentioned in the complaint, since the purpose of a complaint is to fully inform the Commission and the parties of the facts in the case. An informal contact between the management of one passenger stage corporation and another could well have resolved the issue herein without legal expense to either party and without taxpayer expense in the form of increased Commission workload.

An informal complaint to the Commission staff is another means of resolving disputes that should be utilized.

The Commission stands ready to resolve disputes that cannot be settled between utilities. Prudent utility management contemplates some effort to resolve such disputes before having to bring them to the Commission.

IT IS ORDERED that complainant's request for interim relief herein is denied.

Denial of this interim relief should not in any way be taken as a prejudgment of the ultimate issues in this proceeding. Defendant should not misconstrue this denial of interim relief as a sanctioning of any unlawful activities.

Hearings in this matter shall be held upon completion of the formal pleadings. In the interim, we urge complainant and defendant to seek some accommodation, thereby avoiding the

necessity of hearings and their attendant expenses to both utilities and the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup>  
day of MARCH, 1975.

Vernon L. Stinson  
President  
William J. Lyons Jr.  
[Signature]  
Leonard Ross  
Commissioners