

Decision No. 84366

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE DALLCOR COMPANY,)
a corporation of Burlingame, for)
authority to renew Class "A")
certificate as a charter-party)
carrier of passengers.)

Application No. 54049
(Filed May 21, 1973)

Application of THE DALLCOR COMPANY,)
a corporation of Burlingame, for)
authority to renew Class "A")
certificate as a charter-party)
carrier of passengers.)

Application No. 54050
(Filed May 21, 1973)

Application of THE DALLCOR COMPANY,)
a corporation of San Francisco, for)
authority to transfer a Class "A")
certificate as a charter-party)
carrier of passengers to TAMIO)
KATAYAMA, an individual.)

Application No. 54051
(Filed May 21, 1973)

Application of THE DALLCOR COMPANY,)
a corporation of Burlingame, for)
authority to transfer a Class "A")
certificate as a charter-party)
carrier of passengers to JAMES M.)
ANDERSON, an individual, dba BAY)
AREA LIMOUSINE & BUS SERVICE.)

Application No. 54052
(Filed May 21, 1973)

SUPPLEMENTAL
ORDER REOPENING PROCEEDINGS
AND
ORDER OF SUSPENSION

On February 13, 1974, the Commission without hearing issued Decision No. 82460 in the above identified proceedings which dismissed the above four applications for reasons of apparent lack of prosecution by the various parties.

Since the Class "A" charter-party of passengers certificate numbered TCP-184-A continued in nonuse, and since no other

filings have subsequently been received by the Commission concerning this charter bus authority, the Commission staff has conducted an informal investigation.

By registered letters dated December 27, 1974, all known interested parties were advised that for reasons of nonuse, lack of insurance and nonrenewal of the authority, the Commission may consider the revocation of the authority.

The Commission has subsequently received two letter responses and several telephone communications. By a letter of January 17, 1975, Mr. James B. Wickersham, the attorney representing Mr. James M. Anderson, claimed that the transfer of TCP-184-A to The Dallcor Company was never consummated. Such transfer had been authorized by this Commission in Resolution No. PE-137, issued February 23, 1973. The transferors in this Commission action were:

Richard A. Allen, Donald A. Moore, Fred H. Van Tassell
and Robert E. Loveday, dba Mercury Sedan Service

From both the aforementioned letter of Mr. Wickersham and a subsequent letter of Mr. Don G. Alexander, it is concluded that there are at least two parties, Mr. James M. Anderson and Mr. Don G. Alexander, who are now desiring to conduct charter bus operations under this authority.

Mr. Wickersham has requested "...that a public hearing be held in this matter. If the ownership of the certificate cannot be resolved at the Public Utilities Commission hearing, then it would be requested that the Commission hold the certificate in a suspended status until a quiet title action may be heard in the Superior Court."

Upon review of the Commission records, it is apparent that there are at least three uncertainties:

- (1) The agreement dated October 29, 1971 attached to the transfer application leading to Resolution

No. PE-137 has been found upon recent inspection to be of doubtful validity. In the first paragraph it names James Anderson as "buyer" whereas it is signed, as follows:

"The Dallcor Company - Buyer - Don G. Alexander."

- (2) The transfer authorized by Resolution No. PE-137 may not have been consummated; this cannot be verified in Commission records.
- (3) There are, at least two persons signing statements for The Dallcor Company, Mr. Don G. Alexander and Mr. Laurence H. Larsen, and such statements leave doubt as to the position of The Dallcor Company in this matter at this time.

We are not aware of the specific legal actions contemplated by Mr. Wickersham. However, it appears appropriate that Mr. Wickersham, and any other of the interested parties have full opportunity in the civil court procedures to clear up the various uncertainties especially as to resolving the ownership of the certificate involved.

Therefore, for the above purpose the following order will provide a suspension period of this charter authority to allow for resolution of the ownership of the certificate, following which an appropriate amended application and/or petition for reconsideration of its dismissal may be filed with the Commission.

IT IS ORDERED that the subject proceedings are reopened and the charter-party carrier of passengers certificate identified as TCP-184-A, currently in the name of "The Dallcor Company" is hereby suspended for a period to and including November 1, 1975, to allow time for the parties to resolve the ownership of the certificate involved, and to then petition the Commission for

reconsideration of its dismissal and the issuance of any further order appropriate in the circumstances. If no such petition or other appropriate filing is made with the Commission by November 1, 1975, the certificate identified as TCP-184-A is revoked.

Copies of the Commission order shall be sent by registered mail to:

Mr. Don G. Alexander, President
Dailcor Company
1315 Marsten Road
Burlingame, CA 94010

Mr. Don G. Alexander, President
Dailcor Company
500 Sansome Street
San Francisco, CA 94111

Mr. Don G. Alexander
Dailcor Company
P. O. Box 4344
Burlingame, CA 94010

Mr. Tamio Katayama
11478 Burbank Boulevard
North Hollywood, CA 91601

Mr. James M. Anderson, dba
Bay Area Limousine & Bus Service
2822 Yosemite Avenue
Alameda, CA 94501

John Paul Fischer
Silver and Rosen
Professional Corporation
140 Montgomery Street
San Francisco, CA 94104

Mr. R. Y. Schureman
Russell & Schureman
1545 Wilshire Boulevard
Los Angeles, CA 90017

Mr. James B. Wickersham
11 Embarcadero West
Suite 140
Oakland, CA 94607

Mr. Laurence H. Larsen
Guardian Management Group, Inc.
Managements & Financing Consultants
164 Post Street, Suite 361
San Francisco, CA 94108

Richard A. Allen, Fred Van Tassell
Donald A. Moore, Robert E. Loveday
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1630 Old Almaden Road
San Jose, CA 95125

George M. Carr, Esquire
Attorney-at-Law
351 California Street
Suite 1215
San Francisco, CA 94104

A. 54049, et al - CSE

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

Dated at San Francisco, California, this 27th
day of APRIL, 1975.

Vernon L. Sturges
President

William Symons Jr.

~~Edward J. ...~~

Leonard Ross

Paul Rubin
Commissioners