

ORIGINAL

Decision No. 84702

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TRUMAN TILLEY dba
TIGER CHARTER LINES, of Antioch,
Contra Costa County, for authority
to transfer a certificate as a
charter-party carrier of passengers
to MARTINEZ BUS LINES, INC.
(TCP 213-A.)

Application No. 54361
(Filed September 25, 1973;
amended March 1, 1974 and
April 28, 1975)

Eugene W. Jensen, for Don Blackwood, Inc., and
Truman Tilley, doing business as Tiger Charter
Lines, for himself, applicants.
Ira R. Alderson, Jr., Attorney at Law, for the
Commission staff.

O P I N I O N

By this application, filed September 25, 1973, Truman Tilley, doing business as Tiger Charter Lines, sought authority to remove the suspension of and sell and transfer his Class A charter-party carrier of passengers certificate to Martinez Bus Lines, Inc. Because Martinez Bus Lines, Inc. already held a Class A certificate, the application was amended on March 1, 1974 to substitute Don Blackwood, Inc. as the proposed transferee to whom the sought sale and transfer of the certificate, if authorized, would be made.

Public hearing on the application, as amended on March 1, 1974, was held before Examiner Arthur M. Mooney in San Francisco on July 11, 1974, and the matter was submitted upon the filing of concurrent briefs on December 2, 1974. At the hearing, the Commission staff established that a relationship existed between Don Blackwood, Inc. and Martinez Bus Lines, Inc. and pointed out that Martinez Bus Lines, Inc. holds a Class A certificate. For this reason, the staff objected to the proposed transfer to Don Blackwood, Inc. Subsequent to the filing of the briefs, the Commission was informed that the

application would be further amended and that a new transferee would be substituted for Don Blackwood, Inc.

By the Second Amendment to the application filed April 28, 1975, Roland Wilbur was substituted for Don Blackwood, Inc. as the proposed transferee. Subsequent to the issuance of the certificate to Truman Tilley, he and Roland Wilbur entered a partnership to operate the charter business. The certificate was never amended to reflect this. On March 4, 1975, the partnership was dissolved by Decree of Dissolution of Partnership issued by the Contra Costa Superior Court. By letter dated January 31, 1975, Don Blackwood, Inc. informed Truman Tilley that it withdrew as the proposed transferee. The Second Amendment, in addition to requesting that the certificate be transferred, also requests that it be suspended for an additional 6-month period to allow Roland Wilbur either to provide charter bus service or to file an application to transfer the authority to some independent entity that will provide such service. The Commission staff has advised that it has no objection to the proposed transfer to Roland Wilbur and the requested 6-month suspension.

Findings

1. Further public hearing is not necessary in this matter.
2. Roland Wilbur has had experience in the transportation of passengers by motor vehicle over the public highways.
3. Roland Wilbur has the ability to conduct operations under the certificate for which authority to transfer is sought herein.
4. Transfer of the Class A charter-party carrier of passengers certificate in issue to Roland Wilbur, and its continuation in suspension for not to exceed six months would not be adverse to the public interest.
5. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusion

The application, as amended on April 28, 1975, should be granted.

O R D E R

IT IS ORDERED that:

1. Within sixty days after the effective date of this order, Truman Tilley, doing business as Tiger Charter Lines, may sell and transfer his Class A charter-party carrier of passengers certificate (TCP-82-A) to Roland Wilbur.

2. Buyer shall notify the Commission in writing when the sale and transfer authorized herein has been consummated, within ten days thereafter.

3. Buyer is placed on notice that should he conduct any operations he will be required, among other things, to comply with 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 as made applicable by Section 5391 of the Public Utilities Code, and to obtain the approval of the California Highway Patrol for any equipment used in the operations.

4. The Class A charter-party carrier of passengers certificate (TCP-82-A) authorized to be transferred herein shall continue to remain in suspension for an additional period of not to exceed six months from the date the sale and transfer is consummated unless such suspension is modified by order of the Commission.

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

Dated at San Francisco, California, this 29th day of JULY, 1975.

President
William L. Steffen
Leonard R. Roy
David B. Smith
Commissioners