

Decision No. 85405

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MISSION VIEJO COMPANY, a cor-
poration doing business as Mission
Viejo Recreation Centers, for a
Class B certificate to operate as
a charter-party carrier of passen-
gers.

Application No. 55694
(Filed December 8, 1975)

ORDER MODIFYING DECISION NO. 85135

On November 18, 1975, Decision No. 85135 granted a restricted Class B charter-party carrier certificate to applicant. The Gray Line Tours Company, American Buslines, Inc., and Continental Trailways, Inc. filed protests which were waived as a result of applicant's agreeing to certain restrictions, and Decision No. 85135 was granted ex parte. Finding 5 in Decision No. 85135 is as follows:

"5. The Gray Line Tours Company, American Buslines, Inc., and Continental Trailways, Inc. serve the requested territory, but are not providing services which are adequate for the public applicant seeks to serve and, therefore, their services are not satisfactory to the Commission."

On December 8, 1975 American Buslines, Inc. and Continental Trailways, Inc. timely filed a petition for modification of Decision No. 85135 seeking, alternatively, deletion of Finding 5, or rehearing to determine the character of the services they provide, on the basis that the withdrawal of their protests and acceptance of the restrictions was not an admission of the facts set forth in Finding 5, and that since there was no hearing, there thus was no factual basis for this finding.

Since the certificate was authorized ex parte and without hearing, the deletion of the finding will not affect the validity of the certificate. Therefore, we think it appropriate to modify Decision No. 85135 and will so order.

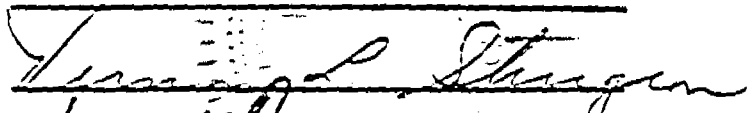
IT IS ORDERED that:

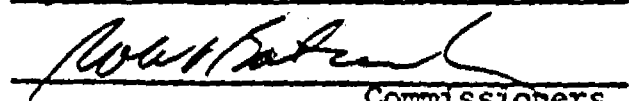
1. Finding 5 in Decision No. 85135 dated November 18, 1975 is deleted, and Decision No. 85135 stands modified in this respect.
2. Decision No. 85135 dated November 18, 1975 remains in full force and effect in all other respects.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd
day of FEBRUARY, 1976.


President


Leonard H. Simon


Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.