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APR 18 1984

ORIGINAL

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of James S. Michalsky, DBA JSM Carriage Company, 9712 Kennelly Ln., Anaheim 92804, for a Class B charter bus certificate from home terminal in Anaheim, CA.

Application 84-02-36 (Filed February 17, 1984)

O P I N I O N

James S. Michalsky, an individual, doing business as J.S.M. Carriage Company, has applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers (Public Utilities (PU) Code Sections 5371 to 5375).

No other Commission operating authority has been held by applicant.

Applicant states that he has had experience as chauffeur/dispatcher with various limousine services in Orange County since 1974.

Applicant states that he has leased/purchased one 1984 Lincoln stretch sedan to perform the proposed transportation service. Applicant alleges that the proposed operations are required:

"In 10 yrs as chauffeur for 2 companys both of whom could not or would not provide adequate service to the public, we have a car in our possession already and have had a number of requests for service as far ahead as the Olympics. I conducted a survey of over 75 limo svcs in Southern Calif. and found a large number of company with little or no experience. A large number of company also had plans of expanding."

Applicant's total assets are \$75,600; \$64,000 of this is attributed to applicant's limousine. It is projected that the typical year's mileage will be 25,000 miles, producing a revenue of \$41,600.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of February 27, 1984. No protests have been received.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.

2. Public convenience and necessity require the service proposed by applicant.

3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 9712 Kennelly Lane, Anaheim.

4. No protest has been received and a public hearing is not necessary.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.

2. This order should become effective immediately as public convenience and necessity have been demonstrated.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to James S. Michalsky authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 9712 Kennelly Lane, Anaheim.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

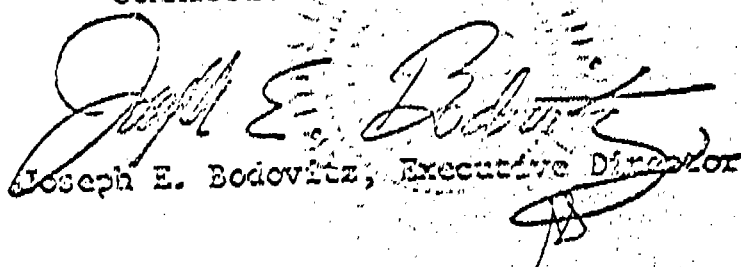
This order is effective today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director