

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
John H. Marxer, doing business as
Jacks-R-Better, for a Class B charter
bus certificate from home terminal
in Bloomington, California.

Application 84-01-47
(Filed January 23, 1984)

O P I N I O N

John H. Marxer, doing business as Jacks-R-Better, requests a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers from a service area within 40 air miles of his home terminal at 10589 Valencia Street, Bloomington, which is near San Bernardino.

The application states as follows:

1. Applicant has not previously been issued operating authority by the Commission. However, he has had over 25 years' experience in driving and maintaining heavy motor equipment, including buses and vans.
2. Applicant has leased a 1984 Ford van with a passenger-seating capacity of 15 to be used in the proposed service.
3. Applicant has received numerous requests from hotels, travel agencies, churches, and schools in the proposed service area to provide a charter service. Also, based on a survey he has conducted, there is a public need for this service.
4. As of January 1, 1984, applicant had assets of \$122,700, liabilities of \$300, and a net worth of \$122,400. His estimated net income for the first year of operations under the proposed authority is \$7,962 before income taxes.

The application was listed on the Commission's Daily Transportation Calendar of January 30, 1984. Because there is a

need for the proposed service and there has been no protest, the following order should be made effective on the date it is signed.

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 10589 Valencia Street, Bloomington, California.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. The following order should be made effective on the date signed.

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 John H. Marxer, authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 10589 Valencia Street, Bloomington, California.
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(s) 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. Prior to initiating service to any airport, the applicant shall notify the airport authority involved. 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.

7. The application is granted as set forth above.

This order is effective today.

Dated JUN 6 1984 , at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

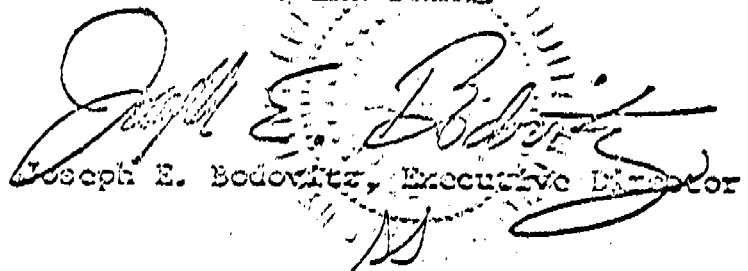
DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

Commissioner Priscilla C. Grew,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director