

Decision 82 01 79

January 19, 1982

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Phillip Bullington, d.b.a. APPLE )  
TOURS, for a Class "B" certificate )  
to operate as a charter-party )  
carrier of passengers, Cupertino, CA. )

Application 60975  
(Filed October 13, 1981)

O P I N I O N

Applicant Phillip James Bullington, doing business as Apple Tours, seeks a certificate of public convenience and necessity to operate as a Class B charter-party carrier under Public Utilities (PU) Code § 5371.2 from a home terminal at Cupertino.

Applicant, who has had three years' experience driving charter-party buses, apparently plans to act as his own driver. He will operate a single 46-passenger 1970 Prevost bus vehicle he owns. Applicant has not previously been issued operative authority by this Commission.

Applicant claims a net worth in excess of \$137,000. His principal assets appear to be the equities in his bus and home.

Greyhound Lines, Inc. (Greyhound) filed a protest and request for hearing. Greyhound, however, offered to withdraw its protest if applicant would accept a certificate with operations restricted to the use of a single bus.

Applicant, by letter of November 12, 1981, indicated that he would accept the limitation. Since the application was properly served and since the only protest was withdrawn, no hearing is necessary. The certificate to be granted will authorize the use of a single bus. If applicant ever wishes to have this restriction removed, he may file an application to modify this decision. ✓

Findings of Fact

1. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed transportation services and will faithfully comply with the regulations of the Commission.

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 7899 Fiesta Lane, Cupertino.

4. The public interest requires that applicant's operating authority should restrict him to operating one bus only.

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.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted. Since there is a need for the proposed service, the following order should be effective today.

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 applicant Phillip James Bullington 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 7899 Fiesta Lane, Cupertino; applicant is limited to the operation of a single bus.

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

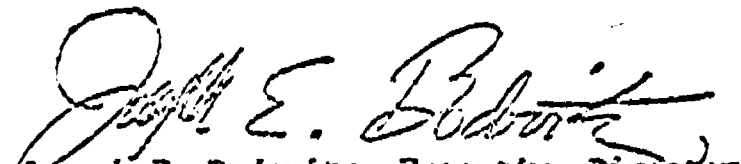
3. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order is effective today.

Dated JAN 19 1982, at San Francisco, California.

JOHN E. BRYSON  
*President*  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
*Commissioners*

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

  
Joseph E. Bolovitz, Executive Director