

Decision 82 01 91 JAN 19 1982**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of JOHN W. HARTLEY, dba HOT DOGGER
 TOURS, INC., for a Class "B"
 certificate to operate as a Charter-
 Party carrier of passengers, Whittier.

Application 60840
 (Filed August 19, 1981)

John W. Hartley, for Hot Dogger Tours,
Inc., applicant.
Howard L. Everidge, Attorney at Law
(Arizona and New Mexico), for
Greyhound Lines, Inc., protestant.

O P I N I O N

This application was filed on August 19, 1981. It requests authority to provide Class B charter-party carrier service within 40 air-miles of a terminal in Whittier, California. Applicant is a California corporation, incorporated on January 1, 1979.

Greyhound Lines, Inc. (Greyhound) filed a protest on September 11, 1981 to request that the application be denied. A hearing was scheduled and held on October 29, 1981 in Los Angeles before Administrative Law Judge Edward G. Fraser. The parties presented evidence and the matter was submitted.

Applicant holds a certificate of public convenience and necessity authorizing the transportation of skiers from Whittier and La Mirada to Mammoth on Friday, Monday, and Tuesday, returning on Sunday, Wednesday, and Thursday. Applicant's president, and principal stockholder John W. Hartley, testified that it is seeking authority to transport ski charters to Mammoth, although other business will be accepted. Applicant owns six MCI 39-passenger and two MCI-47-passenger buses. It employs a fulltime mechanic and a bus-cleaning and maintenance crew. The witness is a certified driving instructor

and trains all of applicant's drivers. Applicant's Statement of Financial Condition as of July 15, 1981 shows a total revenue of \$270,000 operating expenses of \$83,875, and assets of \$385,000.

Applicant's witness testified that there are not sufficient buses available for charter in Los Angeles, especially during the summer and on holidays. He has requested extra buses from Greyhound on 20 separate occasions and received the needed vehicles only once. On one occasion he called operators down to San Diego in an effort to obtain extra coaches without success. His office receives from two to 12 calls a day from people who need vehicles for charters. This testimony was corroborated by two other witnesses. A member of the Committee for the Whittier Hollywood Bowl Night stated that their celebration was almost canceled due to the difficulty in obtaining buses. A charter operator who serves the airlines testified that he has found it impossible to obtain sufficient buses when crews and passengers have to be moved from airports due to fog or canceled flights. An insurance agent testified that applicant has complete insurance coverage, far in excess of the minimum required by the Commission.

A Los Angeles district manager testified for Greyhound. He placed exhibits in evidence showing all of Greyhound's operating authority, including its Class A charter certificate, six timetables showing service in and out of the Los Angeles area, an equipment list totaling 1,918 buses available in California, a photograph of one of the luxurious buses used in charter service, a list of garages and service points, a map showing where extra drivers are always ready, a brochure advertising charters, a list of agencies, and Greyhound's communication lines between agents, and finally, a list of recent charters out of the area applicant seeks to serve.

He testified that on an annual basis Greyhound has only one profitable route in this area: over Interstate 5 between Los Angeles and central California. Other routes are unprofitable and are supported by charter revenue, which Greyhound must have to ensure a profit.

Discussion

Applicant is a specialized carrier primarily interested in transporting skiers to Mammoth. It is evident that protestant was unable to provide coaches on numerous occasions when applicant requested service. There are also occasions when there are insufficient available buses in the Los Angeles area to handle the demands for service. The application should be granted.

Findings of Fact

1. There is a substantial public need for the service proposed by applicant.
2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require the service proposed by the applicant.
4. Greyhound does not always have sufficient buses to satisfy the demand for charters out of the Los Angeles area. Its services are not satisfactory to the Commission.
5. Applicant should be authorized to pick up passengers within a radius of 40 air-miles from its home terminal.
6. It can be seen with certainty that the proposed operation will have no significant effect on the environment.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted to applicant; the following order should be effective today since there is a need for the service and it is now ski season.

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 Hot Dogger Tours, Inc., authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code § 5383 from a service area with a radius of 40 air-miles from applicant's home terminal at 8432-B Laurel Avenue, Whittier, California.

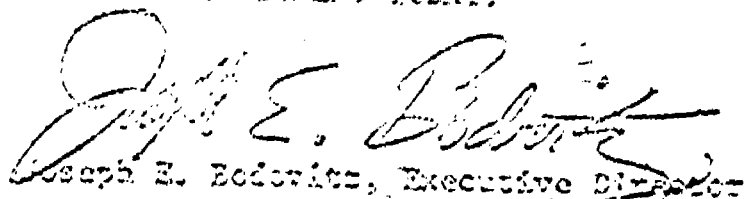
2. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives California Highway Patrol clearances and evidence of liability protection in compliance with General Order Series 115.

This order is effective today.

Dated JAN 19 1982, at San Francisco, California.

WILLIAM E. EYSON
RICHARD D. GRAVELLE
EDWARD M. GRIMES, JR.
VICTOR CALVO
BRISCELLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS MADE BY THE BOARD OF
COMMISSIONERS.


Joseph E. Bodorick, Executive Director