

*Original*

*Id 13*

ALJ/nb \*

Decision 82 02 036 February 4, 1982

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
OSWALD WHITE, dba WHITE'S CHARTER )  
SERVICE for a Class B certificate )  
to operate as a charter-party carrier )  
of passengers, Fresno. )

Application 60907  
(Filed September 16, 1981)

Oswald White, for himself, applicant.  
R. D. Rierson, Attorney at Law (Illinois),  
for Greyhound Lines, Inc., protestant.

O P I N I O N

Oswald White, a sole proprietor, seeks a Class B charter-party bus certificate from a home terminal located in Fresno. ✓

Greyhound Lines, Inc. protested the application, but at the start of the hearing (on December 9, 1981 at San Francisco) the protest was withdrawn when applicant stated he was willing to limit his authority to one bus. The application was submitted on that basis.

Applicant is an experienced bus driver and other drivers which he uses are properly licensed and have taken required first-aid courses. Under Commission file T-71,330 he holds authority as a heavy-specialized carrier, as a highway common carrier of general commodities, as an agricultural carrier, and as a household goods carrier. ✓

The application contains the financial condition for applicant as of August 28, 1981. This shows total assets of \$1,082,000, including \$80,000 of motor vehicle equipment, and \$28,000 cash on hand. Liabilities total \$67,000. Estimated annual

results of operations showed total estimated revenues of \$173,000 and total estimated operating expense of \$95,000.

The service will be performed using one 1980 Prevost "Le Mirage" model 1944 passenger bus. Before the hearing was adjourned applicant stated he intended to use the bus partly for noncommercial family purposes but also wished to carry some commercial passengers on excursions to San Francisco from Fresno, and to other destinations.

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<sup>1/</sup> from his home terminal at 1512 West Kearney Boulevard, Fresno, CA 93706.
4. Applicant should be limited to the ownership (or lease) and the use of one bus.
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

1. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. This decision should be effective immediately so that applicant may commence operations without further delay.

---

<sup>1/</sup> Not more than 40 miles (Public Utilities (PU) Code § 5371.2). Any appropriate restriction may be placed on the certificate (PU Code § 5375).

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 Oswald White authorizing him to operate as a Class B charter-party carrier of passengers as defined in PU Code § 5383, from a service area within a radius of 40 air-miles from applicant's home terminal at 1512 West Kearney Boulevard, Fresno, CA 93706.

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. ✓

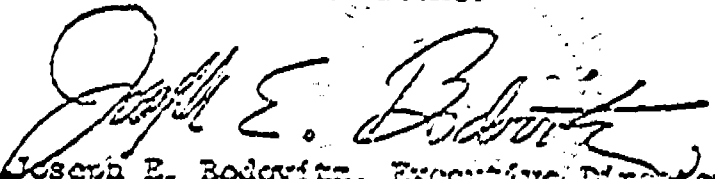
3. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order is effective today.

Dated FEB 4 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director