

ORIGINAL

Decision S2 06 024 JUN 2 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of HIGH SIERRA EXPRESS INCORPORATED )  
for a Class B charter bus certif- )  
icate from home terminal in )  
Paramount, California. )

Application 60698  
(Filed June 30, 1981;  
amended January 6, 1982 and  
February 1, 1982)

Peter J. Mokler, for applicant.

O P I N I O N

By this application, High Sierra Express, Incorporated (applicant), a California corporation, seeks a Class B certificate to operate as a charter-party carrier of passengers with an area of origin within a 40-mile radius of its home terminal at 8410 East Compton Boulevard, Paramount. Applicant also applies for authority to issue its common stock.

After notice a timely protest was received from Golden West Charter Line (Golden West), a Class A charter-party carrier of passengers. A hearing was held before Administrative Law Judge (ALJ) Levander on September 10, 1981<sup>1/</sup> and was submitted subject to receipt of a corrected exhibit showing applicant's financial condition, which has been received.

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1/ No appearance was made for Golden West. In response to a telephone call from the ALJ, Golden West's owner informed the ALJ that Golden West waived its protest; it could not participate at the hearing due to problems caused by a major equipment failure on its new bus.

Applicant's Exhibit 1 and supplemental testimony establish that there is an existing and rapidly growing need for additional charter-party bus service from its area of origin to mountain resort areas in the vicinity of Mammoth Lakes; it is capable of providing that type of service with the 47-passenger intercity bus it owns.

Applicant shows a net equity of \$3,249 as of September 30, 1981. Applicant's president testified that its shareholders could and would invest additional funds needed by applicant.

Findings of Fact

1. Applicant has the fitness, 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 its home terminal at 8410 East Compton Boulevard, Paramount.

4. Golden West did not appear to pursue its protest to the granting of applicant's requested certificate.

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. The Commission has no jurisdiction to regulate the issuance of stock by a charter-party carrier of passengers.

2. Golden West waived its protest to the granting of applicant's requested certificate.

3. 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 High Sierra Express, Incorporated authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code Section 5383, from a service area within a radius of 40 air miles from its home terminal at 8410 East Compton Boulevard, Paramount.

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.

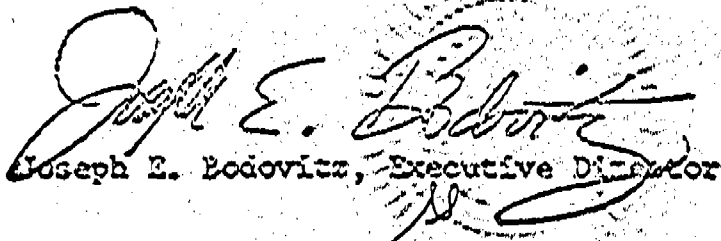
3. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the California Highway Patrol safety rules.

This order is effective today.

Dated JUN 2 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. Rodovitz, Executive Director