

ORIGINAL

Decision SZ 07 104 JUL 21 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Thomas D. Hamilton and Mark S. Ness,)
doing business as San Diego Express)
for a certificate to operate as a)
Class "B" Charter-Party Carrier of)
Passengers in San Diego.)

Application 82-03-19
(Filed March 4, 1982)

Thomas D. Hamilton, for applicants.
Howard L. Everidge, Attorney at Law,
for Greyhound Lines, Inc.;
Henry A. Buijnorowski, for Sundance
Stage Lines, Inc.; and James C.
Ruane, for Goodall's Charter Bus
Service, Inc.; protestants.

ORDER OF DISMISSAL

By this application Thomas D. Hamilton and Mark S. Ness (applicants), doing business as San Diego Express, request a certificate to operate as a charter-party carrier of passengers with an area of origin within a 40-mile radius of their home terminal at 6302 Rancho Mission Road, No. 120, San Diego.

Applicants have a pending request for a certificate of public convenience and necessity to operate a passenger stage, baggage, and express service between El Centro and Lindbergh Field in San Diego and to provide "continued service" in San Diego (see amended Application (A.) 82-01-52).

After notice in this proceeding, timely protests were received from Greyhound Lines, Inc.^{1/} and from Goodall's Charter Bus Service, Inc. Both of these protestants are Class A charter-party carriers of passengers. A hearing was held before Administrative Law Judge Levander on May 6, 1982, and was submitted on that date. At the hearing Sundance Stage Lines, Inc. (Sundance), which operates as a Class A charter-party carrier of passengers and as a passenger stage corporation, was authorized to enter an appearance as a protestant. Sundance stated that it had not received its copy of applicants' service notification. Applicants did not object to Sundance's participation in this proceeding.

At the hearing, protestants objected to the presentation of applicants' testimony about their projected earnings based on their combined passenger stage and charter-party operations. Hamilton stated that applicants had not made a separate analysis of their proposed charter-party operations and they did not wish to make that segregation. Hamilton stated that if applicants did not receive passenger stage authority, their charter-party operations would not be financially viable. Hamilton did not wish to have this application taken off calendar until the Commission had acted on applicants' passenger stage application to afford applicants the opportunity of amending their showing in this proceeding. Instead Hamilton requested that this application be dismissed without prejudice.

^{1/} Greyhound also provides passenger stage service throughout California. It also filed a protest in A.82-01-52.

A.82-03-19 ALJ/emk

IT IS ORDERED that Application 82-03-19 of Thomas D. Hamilton and Mark S. Ness, doing business as San Diego Express, for authority to operate as a charter-party carrier of passengers is dismissed without prejudice.


This order becomes effective 30 days from today.

Dated JUL 21 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Bodovitz, Executive Director