

ORIGINAL

Decision 82 10 055 OCT 20 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of John E. Deskin and Joan R. Deskin,)
doing business as Magic Carpet Lines,)
for a certificate to operate as a)
Class B Charter-party Carrier of)
Passengers in Victorville,)
San Bernardino County, California.)

Application 82-07-24
(Filed July 12, 1982)

O P I N I O N

John E. Deskin and Joan R. Deskin, doing business as Magic Carpet Lines, seek a Class B certificate of public convenience and necessity to operate as a charter-party carrier of passengers from a service area with a 40-mile radius from their home terminal at 15492 7th Street, Victorville, in San Bernardino County.

No protest was received by the Commission concerning this application. Applicants served notice of its filing on nearby carriers. Notice of the filing of this application appeared in the Commission's Daily Calendar of July 16, 1982.

The application shows that applicants propose to use a 1982 MC-9 Crusader II 40-passenger bus in their initial charter operations. The bus has a nominal capacity of 47 passengers. It will be equipped with a restroom and the latest in safety devices.

Applicants operate an Interstate Commerce Commission-licensed tour brokerage company. They have previously owned and operated three separate travel agencies. Mrs. Deskin worked for a multiple-location rent-a-car business. Her employer operated two Class B charter-party buses. She was responsible for operating the tour business, including development of tours and building up the business. As a tour broker, she has worked with other charter-party carriers in the area. Applicants believe that they can purchase a new bus and operate it at lower rates than other carriers because the charter-party carrier nearest to their terminal is 35 miles away; their operations would eliminate substantial deadhead mileage for tours originating in their service area. They believe there is a need for economical charter-party transportation from Victorville.

Applicants plan to use their bus for local tours. As tour operators they will continue to charter buses from other carriers for longer trips or trips originating out of Victorville.

As of March 31, 1982 applicants' assets exceeded their liabilities by \$331,445 on a cost basis and by \$581,445 based on estimated market values.

Applicants' tour business netted \$13,100 from January 1, 1982 to March 31, 1982. Their dry wall business netted \$20,595 for nine months ended March 31, 1982.

Findings of Fact

1. Applicants have the ability, experience, and financial resources to purchase the equipment needed and to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicants.
3. Applicants should be authorized to pick up passengers within a radius of 40 air miles from their home terminal at 15492 7th Street, Victorville.
4. 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. Public convenience and necessity require that the requested authority should be issued.
2. The following order should be effective on the date of signature because there is a public need for the proposed service.

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 John E. Deskin and Joan R. Deskin, authorizing them to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code Section 5383, from a service area with a radius of 40 air miles from their home terminal at 15492 7th Street, Victorville.

2. Applicants shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

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

4. In providing service under the certificate, applicants shall comply with General Orders Series 98 and 115 and the CHP safety rules.

This order is effective today.

Dated OCT 20 1982, at San Francisco, California.

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

Commissioner Priscilla C. Grow,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director