

ORIGINAL

Decision 82 11 026 NOV 3 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of Edward R. Gilliam, doing)
business as Road Runner Stage)
Lines, to modify Decision)
82-03-039 to eliminate the one-)
bus restriction imposed by this)
decision.)

Application 82-07-33
(Filed July 13, 1982)

O P I N I O N

In Decision (D.) 82-03-039 issued March 2, 1982, applicant was granted a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers from a service area with a radius of 40 air miles from applicant's home terminal at 716 West 123rd Street, Los Angeles. Ordering Paragraph 2 of D.82-03-039 states:

"2. Applicant's service shall be restricted to the operation of one bus."

This paragraph was included in the order because applicant and Greyhound Lines, Inc. (Greyhound) stipulated to it in writing in exchange for Greyhound's withdrawal of its protest to the underlying application.

Applicant now requests that this restriction be removed. Greyhound, which has been served with a copy of this present application, has not filed a protest. Thus, there is no need for a hearing on this matter.

Applicant requests an ex parte order be issued authorizing deletion of the one-bus restriction of D.82-03-039.

Applicant alleges that the one-bus restriction is contrary to the provisions of Public Utilities Code Section 5375 in that it is not a term or condition required in the public interest. Applicant also alleges that he has interstate charter-party authority from the Interstate Commerce Commission. Applicant states that these two operations would be more efficient, more flexible, and better serve the traveling public if buses for them could be used interchangeably.

This Commission's present policy favors fostering competition to ensure that members of the public have the opportunity to select a service which best meets their needs. We see no justification for continuing the restriction set out in Ordering Paragraph 2 of D.82-03-039.

Findings of Fact

1. In D.82-03-039 issued March 2, 1982, applicant was granted a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers.
2. A one-bus restriction is set forth in Ordering Paragraph 2 of D.82-03-039. Applicant now seeks its removal.
3. No protest has been filed in this matter.

Conclusion of Law

1. Applicant should be permitted to pursue his authority to operate as a charter-party carrier without restriction as to the number of buses.
2. This order should be effective today because there is no useful purpose in retaining the presently applicable restriction.

O R D E R

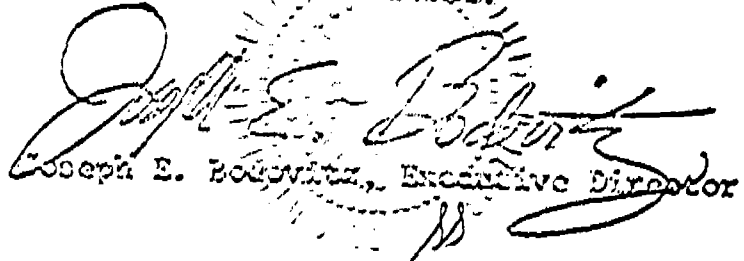
IT IS ORDERED that the restriction to one bus set forth in Ordering Paragraph 2 of D.82-03-039 dated March 2, 1982 is withdrawn. Edward R. Gilliam, doing business as Road Runner Stage Lines, may continue to operate under the authority granted by D.82-03-039 without restriction as to the number of buses.

This order is effective today.

Dated NOV 3 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. Bolovitz, Executive Director