

Decision 82 11 034 NOV 3 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of John Nickel, (DBA) Cal West)
Enterprises, 17325 Midwood Dr.,)
Granada Hills, California 91344,)
for a Class B charter bus certifi-)
cate from home terminal in)
Granada Hills, California.)

Application 82-07-59
(Filed July 28, 1982;
amended September 13,
1982)

O P I N I O N

Applicant John Nickel, dba Cal West Enterprises, requests authority to operate as a Class B charter-party carrier of passengers from a service area with a radius of 40 air miles from his home terminal at 17325 Midwood Drive, Granada Hills, California 91344.

Greyhound Lines, Inc. (Greyhound) filed a protest and request for hearing of this application in conformity with Article 2.5 of our Rules of Practice and Procedure (Title 20, California Administrative Code). In response to this protest applicant amended his application to have placed the following restriction on the authority sought:

"Applicant shall be restricted to the number of buses of this Class 'B' authority to three (3) buses only."

The amendment filed by applicant satisfies Greyhound's interest in this matter. By letter dated September 13, 1982 to the Commission, Greyhound withdrew its protest to Application 82-07-59. If applicant ever wishes to operate more buses, he may file an application to modify this decision.

Applicant presently has authority to operate as a highway common carrier and highway contract carrier (T-59,576). Applicant has also had many years of experience as a bus driver and dispatcher. At this time he proposes to operate one 1969 MCI 47-passenger intercity bus, which he owns. As of July 12, 1982 applicant's total assets were \$308,958 and his total liabilities were \$74,192.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the service to be authorized in the order which follows.
2. Public convenience and necessity require that service.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. The application appeared on the Commission's Daily Calendar and on the Daily Transportation Calendar; one protest was received and it was withdrawn.

Conclusions of Law

1. Public convenience and necessity have been demonstrated for operation of three buses, and a certificate for that operation should be granted.
2. Applicant should be authorized to pick up passengers within 40 air miles of his home terminal.
3. Since there is an immediate need for the service, the 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 John Nickel, authorizing him 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 his home terminal at 17325 Midwood Drive, Granada Hills, California 91344, subject to the following condition: Applicant shall not operate more than three buses.

2. Applicant 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.

A.82-07-59 ALJ/emk

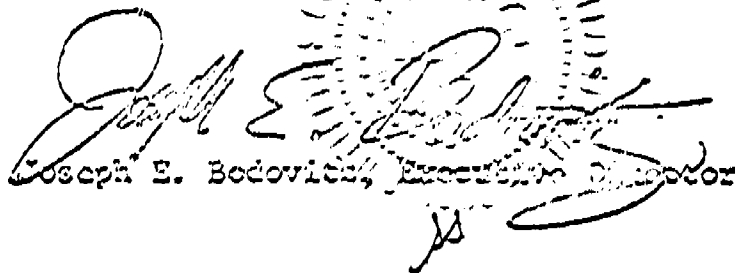
4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

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. Bodovitch, Executive Director