

ORIGINAL

Decision 83 02 017 FEB 2- 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Lionel Jackson and LeRoy)
Spicer, doing business as)
Sportsman Travel Club, for a)
Class B Charter-party Carrier of)
Passengers Certificate to)
operate in Pomona, California.)

Application 82-07-15
(Filed July 7, 1982)

William C. Robison, Attorney at Law,
for applicant.
Richard M. Hannon, Attorney at Law,
for Greyhound Lines, Inc., protestant.

O P I N I O N

This application was filed by Lionel Jackson and LeRoy Spicer, doing business as Sportsman Travel Club. By the time of the hearing, however, applicant had become Sportsman Travel Club, Inc., a California corporation (Exhibit 1).

Applicant seeks authority to operate as a Class "B" charter-party carrier of passengers from a service area with a radius of 40 air miles from its home terminal at 2475 Kellogg Park Drive, Pomona, California 91768. Greyhound Lines, Inc. (Greyhound) filed on August 2, 1982 a protest and request for hearing asserting that the territory being sought by applicant is being adequately served by existing charter-party carriers and that the application should be denied in accordance with Public Utilities (PU) Code Section 5375.1. The hearing was held on September 28, 1982 before Administrative Law Judge Main in

Los Angeles. The parties presented evidence and the matter was submitted upon the November 15, 1982 mailing of concurrent briefs.

Applicant's president testified that he was a driver for Continental Trailways for seven years and, before that, for Great Lake Transit in Michigan for four years. He has managed several businesses and enrolled, while with Continental Trailways, in a six-month transportation course. Another of applicant's principals is an experienced driver who has a background in bus maintenance.

Applicant owns two 41-passenger buses and leases two others. At present applicant leases these buses out to other carriers and to certain groups. Among others, its buses have been leased to United Charter Bus, Collins Charter, Fast Deer, and Co-Ordinators. As of August 31, 1982 applicant's total assets were \$63,808 and its total liabilities were \$24,770. If the Class "B" authority sought is obtained, applicant projects annual operating revenues of approximately \$150,000.

Representatives of three different social groups or clubs which charter buses testified in support of the application. They are acquainted with one or more of applicant's principals and indicated their groups would prefer applicant's service to Greyhound's as being more personal and less expensive. A representative of a travel agency testified that applicant, upon obtaining its Class "B" operating authority, would be the charter-bus company the agency would like to use.

A district manager testified for Greyhound and placed a set of exhibits in evidence. Included was a copy of Greyhound's Class "A" certificate to operate as a charter-party carrier of passengers; a map delineating the area within 40 air miles of

applicant's terminal; a list of sales outlets within applicant's proposed origin area; an advertisement listing WATS area lines for Greyhound charter service; a brochure used by Greyhound to advertise and describe charter service; an equipment list showing the number, type, and purchase price of all available Greyhound buses; a color photograph of a late model bus; and an exhibit showing that in March 1982 there were 48 charters out of the area applicant seeks to serve, producing revenue of \$45,139.30, in April 1982 67 charters producing \$91,445.89, and in May 1982 73 charters producing \$91,108.72. Totals for the three months were 188 charters and \$227,693.91 in revenues.

Greyhound's witness testified that charters constitute an important source of revenue and help keep down fares for passenger stage service.

Discussion

Applicant has shown fitness to serve the public as a regulated carrier. The evidence presented demonstrates that applicant's equipment has frequently been used to perform charter services. This, while clearly showing the need for applicant's equipment, also argues convincingly for a finding that the other carriers currently serving applicant's origin area are not able at all times to adequately serve the public. Indeed this inability is not new and has led to such a finding in several recent decisions (D.) (D.93696 dated November 3, 1981 in Application (A.) 60320, D.82-01-91 dated January 19, 1982 in A.60840, and D.82-04-91 dated April 21, 1982 in A.60653).

The charter groups, especially those who are acquainted with applicant, are likely to prefer applicant's service as being more personal and less expensive.

Findings of Fact

1. There is a substantial public need for the charter-party service proposed by applicant.
2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require the service proposed by applicant.
4. Greyhound and other charter-party carriers transport charter groups from, to, and through the area applicant seeks to serve.
5. Greyhound and other charter-party carriers do not have sufficient buses to satisfy the demand for charters out of the Pomona/Los Angeles area at critical times. Their services are, therefore, not satisfactory to the Commission.
6. 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 have been demonstrated and a certificate should be granted.
2. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal.
3. 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 Sportsman Travel Club, Inc., authorizing it to operate as a Class B charter-party carrier of

passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 2475 Kellogg Park Drive, Pomona, California 91768.

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.

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

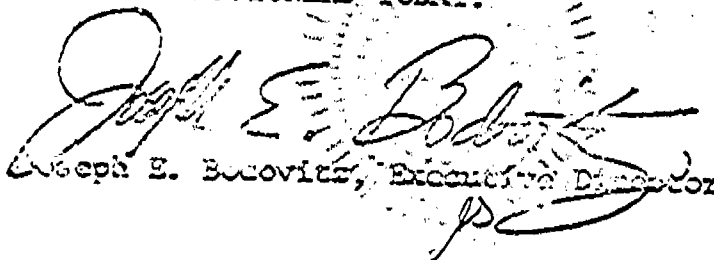
5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

This order is effective today.

Dated FEB 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bucovitz, Executive Director