

Decision 83 04 023 APR 8 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Denis S. Fowler doing business)
as Cherokee Tours to modify)
Decision 82-08-035 as to the)
removal of the restriction)
limiting the operation to a single)
21 passenger bus.)
_____)

Application 83-01-50
(Filed January 25, 1983)

O P I N I O N

Statement of Facts

By Decision 82-08-035 dated August 4, 1982 in Application 82-05-22, Denis S. Fowler, dba Cherokee Tours, was granted a Class B charter-party carrier of passengers certificate to operate as defined in Public Utilities Code § 5383 from a service area with a radius of 40 air miles from his home terminal at 7313 Fairytale Street, Citrus Heights. Fowler's certificate contains a restriction limiting operations to a single 21-passenger bus.

This restriction arose when Fowler agreed to incur it to obtain withdrawal by Greyhound Lines, Inc. (Greyhound), of Greyhound's protest to Fowler's May 7, 1982 application. There were no other protests to that application. Since Fowler was granted authority to operate, Greyhound has agreed to the removal of the operational restriction.^{1/} Although notice of the filing of the current application to remove the restriction was included on the Commission's Daily Calendar on Friday, January 28, 1983, no protests have been received.

^{1/} By letter dated February 10, 1983 addressed to the assigned administrative law judge, Greyhound's assistant director - traffic confirms that Greyhound has no objection to deletion of the restriction placed upon Fowler in D.82-08-035.

Discussion

There being no objections, there no longer exists any reason why Fowler should not be authorized an unrestricted Class B charter-party carrier of passengers certificate. Accordingly, the restriction to his present certificate limiting operation to a single 21-passenger bus will be removed. In the absence of protest, and the fitness and financial responsibility of the applicant having been previously established, there is no need for a public hearing.

Findings of Fact

1. Fowler holds a current Class B charter-party carrier of passengers certificate bearing a restriction limiting his operations to a single 21-passenger bus.

2. There no longer exists any reason to continue this restriction to his operations.

3. There is no need for a public hearing.

Conclusion of Law

The restriction to a single 21-passenger bus should be removed.

O R D E R

IT IS ORDERED that:

1. The restriction limiting operations to a single 21-passenger bus, as contained in the certificate of public convenience and necessity held by Denis S. Fowler, dba Cherokee Tours, authorizing him to operate as a Class B charter-party carrier of passengers, is removed.

2. 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 becomes effective 30 days from today.

Dated APR 6 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

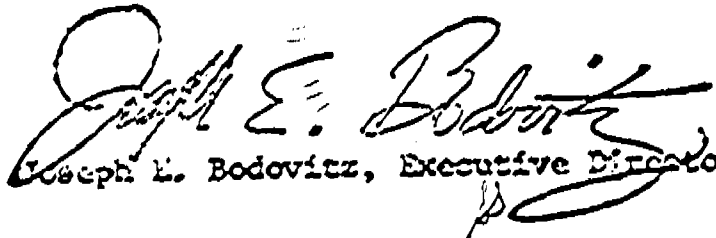
VICTOR CALVO

PRISCILLA C. GREW

DONALD VIAL

Commissioners

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


Joseph E. Bodovitz, Executive Director