

Decision 83 05 030 MAY 18 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of DAVID P. COMARTIN and ROBERT T. )	
COMARTIN doing business as SAN )	Application 82-12-67
DIEGO MINI TOURS for a certifi- )	(Filed December 31, 1982;
cate to operate as a Class "B" )	amended April 7, 1983)
charter-party carrier of pas- )	
sengers in San Diego. )	
_____ )	

O P I N I O N

Applicants David P. Comartin and Robert T. Comartin, a partnership doing business as San Diego Mini Tours, have requested a Class B certificate to operate as a charter-party carrier of passengers from their home terminal at 2239 Morena Boulevard, San Diego, California 92110.

Applicant partnership is the owner of four 14-passenger "maxi vans" and the lessee of two 25-passenger buses. Applicant partnership shows a net worth of \$54,500 as of November 30, 1982.

Notice of the filing of this application appeared on the Commission's Daily Transportation Calendar on January 4, 1983 making direct notification to potential competitors or protestants unnecessary. (See Rule 15.1, Rules of Practice and Procedure.) No protest was received.

Applicants state that they desire to offer a charter service especially aimed at small groups of elderly persons. Applicants appear to be fit and able to perform the proposed service. Further, it is claimed that partners of the applicant partnership have the experience necessary for such an undertaking.

Applicants state that their proposed service could only result in salutary environmental effects.

Findings of Fact

1. Applicants have the ability, experience, equipment, and financial resources 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 2239 Morena Boulevard, San Diego, California 92110.

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.

5. A public hearing is not required.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted. Given the 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 David P. Comartin and Robert T. Comartin, a partnership, authorizing them 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 applicants' home terminal at 2239 Morena Boulevard, San Diego, California 92110.

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.

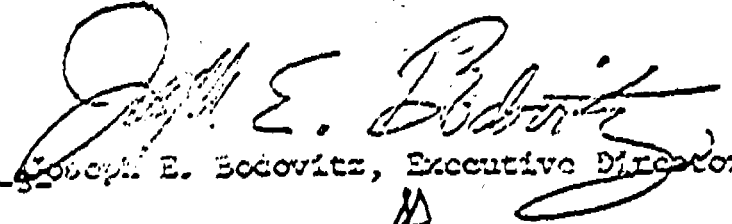
5. This certificate does not authorize the holders to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

This order is effective today.

Dated MAY 18 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