

Decision 83 07 043 JUL 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of:
WEST SHORES LEASING CORP. for a
Certificate of Public Convenience
and Necessity to operate as a
passenger stage corporation to
provide scheduled service over
regular routes, between San Diego
and Los Angeles via Riverside,
serving named intermediate points.
Under authority of Section 1031
et seq., of the Public Utilities
Code of the State of California.

Application 83-03-07
(Filed March 2, 1983)

O P I N I O N

Applicant West Shores Leasing Corp., an Oregon corporation authorized to conduct business in the State of California, seeks a certificate of public convenience and necessity to operate as a passenger stage corporation in scheduled service between San Diego and Los Angeles, via Riverside, using Interstate Highways 805 and 15 and California Highway 91, as principal routes, and serving intermediate points at Miramar Naval Air Station, Escondido, Valley Center, San Marcos, Fallbrook, Rainbow, Rancho California, Sun City, March Air Force Base, Riverside, Corona, and Santa Ana, with return over the same route. Applicant proposes to transport passengers, baggage, express, newspapers, and mail in the same vehicle. Applicant seeks the requested authority under Public Utilities (PU) Code Section 1031, et seq. and intends to conduct its proposed service on a 7-day per week basis with one south-bound and one northbound schedule daily.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar dated March 7, 1983. In addition, copies of the application were mailed by applicant to various local governments and organizations who might be interested in or be affected by this application. No protests to the application have been filed with the Commission.

Applicant currently holds a Class A charter-party certificate, file No. TCP-218-A, from this Commission. In addition, applicant holds a motor common carrier certificate, Docket No. MC-153043, issued by the Interstate Commerce Commission (ICC), authorizing the transportation of passengers and their baggage in the same vehicles, in charter and special operations, beginning and ending at New York, New York; San Francisco, Los Angeles, San Diego, Sacramento, Bakersfield, Santa Barbara, Carmel, and Palm Springs, California; Miami, Florida; Phoenix and Scottsdale, Arizona; and Las Vegas and Reno, Nevada, and extending to points in the United States.

The proposed daily schedule from Los Angeles to San Diego will depart Los Angeles at 3:20 p.m. and arrive in San Diego at 9:09 p.m. while the daily schedule from San Diego to Los Angeles will depart San Diego at 5:00 p.m. and arrive in Los Angeles at 10:30 p.m. Applicant proposes to conduct this service using four 1981 MCI 51-passenger capacity Intercity coach-type buses, and applicant states it has additional equipment which may be used in addition to those mentioned above.

Applicant alleges it is heavily committed to the passenger transportation industry since it owns and operates numerous bus terminals in the western United States to support

its existing ICC- and PUC-authorized motor carrier operations. Currently applicant operates two terminals in the State of California, one in Santa Ana and one in San Francisco. Should the authority requested in this application be granted, applicant plans a third terminal in San Diego. Applicant employs drivers with an average bus driving experience of over seven years which applicant believes gives them sufficient experience to safely operate passenger transportation equipment. Applicant states it has access to and is familiar with all applicable rules and regulations promulgated by the United States Department of Transportation, the California Public Utilities Commission, and the California Highway Patrol. Applicant believes it has the necessary motor equipment and support staff including maintenance and clerical staff to successfully undertake the proposed service.

Financial information filed with the application reflects that, as of October 31, 1982, applicant had assets of \$823,440.96. Pro forma cash flow projections for the end of the first year of operation reflect gross profit of \$105,269.00.

Applicant alleges that granting of the authority sought would have no significant effect on the quality of human environment within the areas to be served. Furthermore, it is applicant's belief that the authority requested does not involve actions which would significantly affect energy efficiency under the meaning of PU Code Sections 3502.1 and 3502.2.

Applicant states that Greyhound Lines, Inc. (Greyhound) is the only certificated carrier offering similar service between the points named. However, Greyhound is currently attempting to

abandon the majority of the proposed service listed in this application. Applicant states that the service proposed is of a unique and distinct nature in that it serves primarily the retirement communities along the Interstate 15 corridor. Applicant alleges it has discussed the proposed service with a number of civic leaders, travel agents, and members of the transportation community, and has had a favorable response. Those interviewed have indicated to applicant that it would be highly desirable to have a locally operated carrier to service the needs of their community. The application states that the service proposed is also unique in that it is geared to handle small package express from consolidation terminals in Los Angeles and San Diego to the poorly served small communities within the territory served by this application.

Discussion

The Commission is aware that Corona and several other points along the service corridor proposed by applicant were proposed for abandonment by Greyhound in its recent statewide 97-point abandonment application, A.83-01-17. While the Commission dismissed Greyhound's application without prejudice and is opposing Greyhound's subsequent petition filed with the Interstate Commerce Commission on May 31, 1983, the basis for the Commission's dismissal and opposition is on procedural rather than substantive grounds. The Commission would entertain a subsequent application by Greyhound provided it substantially complied with the Commission's rules.

The present application is the result of the passenger operations/bus developments staff efforts to provide service to this "black corridor", via Corona, between Los Angeles and San Diego as a result of new federal bus legislation and Greyhound's application and for that reason, the authority sought here should be granted.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Greyhound currently seeks the abandonment of several points along the corridor which applicant intends to serve in its proposed operation.

3. Public convenience and necessity require the service proposed by applicant.

4. The rates proposed in the application are reasonable.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

6. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate of public convenience and necessity should be granted to applicant.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to West Shores Leasing Corp., an Oregon corporation authorized to conduct business in the State of California, authorizing it to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1302 to transport persons and their baggage and express in the same vehicle.

2. Applicant shall:

a. File a written acceptance of this certificate within 30 days after this order is effective.

- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission; and make its tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

3. 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 JUL 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

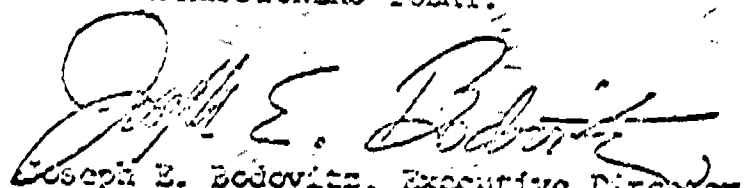
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1302

Showing passenger stage operative rights, restrictions, limitations,
exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

83 07 043

Issued under authority of Decision
dated JUL 20 1983, of the Public Utilities Commission
of the State of California in Application 83-03-07.

T/rx

Appendix PSC-1302

West Shores
Leasing Corp.

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Issued by California Public Utilities Commission.

Decision 83 07 043, Application 83-03-07.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

West Shores Leasing Corp., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage, and express between points in San Diego and Los Angeles and certain intermediate and adjacent territories over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- b. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- c. Tariffs and timetables shall specify passenger loading and unloading locations.
- d. Express shall be transported only on passenger-carrying vehicles and shall be limited to a weight of not more than 100 pounds.

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SECTION 2. ROUTE DESCRIPTION.

Beginning in San Diego then via Interstate (I) 5 and I-15 to Miramar Naval Air Station, then via I-15 to Escondido, then via I-15 to Valley Center (Lawrence Welk Village), then via I-15 to San Marcos, then via I-15 to Fallbrook, then via I-15 to Rancho California, then via I-15 to Sun City, then via I-15E to March Air Force Base, then via I-15E to Riverside, then via State Route (Rte) 91 to Corona, then via Rte 91 and Rte 57 to Santa Ana, then via I-5 to Los Angeles.

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its existing ICC- and PUC-authorized motor carrier operations. Currently applicant operates two terminals in the State of California, one in Santa Ana and one in San Francisco. Should the authority requested in this application be granted, applicant plans a third terminal in San Diego. Applicant employs drivers with an average bus driving experience of over seven years which applicant believes gives them sufficient experience to safely operate passenger transportation equipment. Applicant states it has access to and is familiar with all applicable rules and regulations promulgated by the United States Department of Transportation, the California Public Utilities Commission, and the California Highway Patrol. Applicant believes it has the necessary motor equipment and support staff including maintenance and clerical staff to successfully undertake the proposed service.

Financial information filed with the application reflects that, as of October 31, 1982, applicant had assets of \$823,440.96, and ~~liabilities of \$823,440.96 of which amount~~ ~~\$233,206.34 represents net income to the company.~~ Pro forma cash flow projections for the end of the first year of operation reflect gross profit of \$105,269.00.

Applicant alleges that granting of the authority sought would have no significant effect on the quality of human environment within the areas to be served. Furthermore, it is applicant's belief that the authority requested does not involve actions which would significantly affect energy efficiency under the meaning of PU Code Sections 3502.1 and 3502.2.

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Findings of Fact

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