

Decision 83 08 027 AUG 3 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Frank C. Hubbard and Mildred R.)
Smith, dba Millie's Tours & Charters.)
for a Class B charter bus certificate)
from home terminal in Madera,)
California.)

Application 83-05-50
(Filed May 25, 1983)

O P I N I O N

This is an application by Frank C. Hubbard and Mildred R. Smith (applicants), partners, doing business as Millie's Tours and Charters, seeking a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers. Applicants request authority to operate from a service area within a radius of 40 air miles from a terminal in Madera.

Notice of the filing of the application appeared in the Commission's Daily Calendar on May 26, 1983. There are no protests.

The verified application indicates that Hubbard has been employed for 22 years as a driver for Trailways. Smith has worked in the tour and travel business for 17 years. Smith holds Interstate Commerce Commission (ICC) Permit MC 162978 and ICC Tour Broker's Permit MC 130301. The partners have net assets of \$462,000.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicants have the ability, experience, equipment, and financial resources to perform the proposed service.
3. Public convenience and necessity require the service proposed by applicants.
4. Applicants should be authorized to pick up passengers within a radius of 40 air miles from their home terminal at 305 North E Street, Madera.

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.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted.

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 Frank C. Hubbard and Mildred R. Smith authorizing them to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code § 5383, from a service area within a radius of 40 air miles from applicants' home terminal at 305 North E Street, Madera.

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 holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

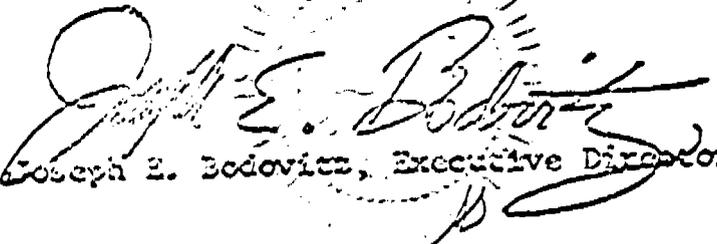
This order becomes effective 30 days from today.

Dated AUG 3 1983 , at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director