

Process
D-5

Decision 83 08 079 August 17, 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of S.M.O.O.T.H., Inc., for)
authority to operate as a)
passenger stage corporation)
between points in Santa Barbara)
County.)

Application 83-06-18
(Filed June 8, 1983)

ORDER OF DISMISSAL

Applicant S.M.O.O.T.H., Inc. seeks a certificate of public convenience and necessity to operate as a passenger stage corporation over certain routes in the City of Santa Maria (City), in Santa Barbara County.

After analysis of this application and discussion with applicant, our Passenger Operations Branch has ascertained that the proposed service is to be provided under contract with the City. Fares, routes, and schedules are established by the City and the vehicles are all owned and maintained by the City. Applicant provides labor only.

This application parallels in all relevant aspects the facts upon which we based our decision in Decision (D.) 82-09-040 (rehearing denied by D.82-12-102), Cal Coast Charter, Inc. In that decision we concluded that where municipalities under Public Utilities Code Section 79209 possess and exercise jurisdiction over a proposed bus system, the system thereby becomes a public system over which our jurisdiction exists only if a specific statute grants us such authority. In this instance there is no such statute.

Findings of Fact

1. Applicant has entered into a contract with the City to provide labor for the City's bus service.

2. The City possesses and has exercised jurisdiction over the proposed service.

Conclusions of Law

1. As a result of the municipalities' exercise of jurisdiction, the proposed service constitutes a public system. ✓

2. The Commission's jurisdiction over public bus systems is limited to situations where specific statutory authority exists. None exists in this case.

3. Because there is no Commission jurisdiction over this matter this order of dismissal should be effective on the date it is signed.

IT IS ORDERED that Application 83-06-18 is dismissed for lack of Commission jurisdiction.

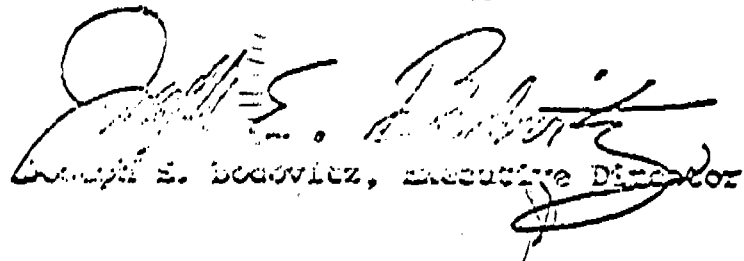
This order is effective today.

Dated August 17, 1983, at San Francisco, California.

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

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph S. Bodovitz, Executive Director

ORIGINAL

Decision 83 08 079 AUG 17 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of S.M.O.O.T.H., Inc., for)
authority to operate as a)
passenger stage corporation)
between points in Santa Barbara)
County.)

Application 83-06-18
(Filed June 8, 1983)

ORDER OF DISMISSAL

Applicant S.M.O.O.T.H., Inc. seeks a certificate of public convenience and necessity to operate as a passenger stage corporation over certain routes in the City of Santa Maria (City), in Santa Barbara County.

After analysis of this application and discussion with applicant, our Passenger Operations Branch has ascertained that the proposed service is to be provided under contract with the City. Fares, routes, and schedules are established by the City and the vehicles are all owned and maintained by the City. Applicant provides labor only.

This application parallels in all relevant aspects the facts upon which we based our decision in Decision (D.) 82-09-040 (rehearing denied by D.82-12-102), Cal Coast Charter, Inc. In that decision we concluded that where ^{Municipalities under Public} ~~local governmental entities~~ possess and exercise jurisdiction over a proposed bus system, the system thereby becomes a public system over which our jurisdiction exists only if a specific statute grants us such authority. In this instance there is no such statute.

Utilities Code Section 79209

Findings of Fact

1. Applicant has entered into a contract with the City to provide labor for the City's bus service.
2. The City possesses and has exercised jurisdiction over the proposed service.

Conclusions of Law

1. As a result of the ~~local governmental entity's~~ ^{municipalities} exercise of jurisdiction, the proposed service constitutes a public system.
2. The Commission's jurisdiction over public bus systems is limited to situations where specific statutory authority exists. None exists in this case.
3. Because there is no Commission jurisdiction over this matter this order of dismissal should be effective on the date it is signed.

IT IS ORDERED that Application 83-06-18 is dismissed for lack of Commission jurisdiction.

This order is effective today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GKEW
DONALD VIAL
WILLIAM T. BAGNETT
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.