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ORIGINAL

Decision No. 88804 MAY 2 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

C. D. LEWIS, dba ORANGE BLOSSOM
LINES,)

Complainant,

vs.

JAMES WARFIELD,

Defendant.

Case No. 10543
(Filed April 17, 1978)

CEASE AND DESIST ORDER

The verified complaint and motion for immediate cease and desist order of C. D. Lewis (Lewis), doing business as Orange Blossom Lines, filed April 17, 1978, and the amendment thereto filed April 19, 1978, reveal that Lewis is authorized to operate as a passenger stage corporation in the transportation of employees of the Southern California Edison Company, San Diego Gas & Electric Company, and Bechtel Power Corporation between their homes in Los Angeles and Orange Counties, on the one hand, and the Nuclear Generating Station in San Onofre, California, on the other hand.

Lewis alleges that defendant James Warfield (Warfield) is operating a similar service without operating authority from this Commission; that Warfield is charging \$25 per week per person, rates similar or identical to those authorized to Lewis by Decision No. 88346 dated January 17, 1978 in Application No. 57547; that

Warfield is essentially duplicating Lewis' route; that as a result of Warfield's operation, Lewis has lost 17 riders and the revenues therefrom since April 3, 1978, when Warfield's illegal operation commenced; that Warfield is not employed at the San Onofre Nuclear Generating Station; that he operates his unauthorized service using a 39-passenger vehicle, a Motor Coach Industries Model MCl-5A; and that therefore he does not qualify for the exemption afforded by Section 226 of the Public Utilities Code.

Lewis further alleges that Warfield announced the commencement of his service by use of a map, a copy of which is attached to the application as Exhibit "A", which map was posted conspicuously at the jobsite of the Nuclear Generating Station, and that Lewis stands to suffer irreparable injury if Warfield is allowed to continue operating.

It appearing from the allegations of the verified complaint, and amendment thereto, that Warfield is operating as a passenger stage corporation without authority from this Commission, in violation of Section 1031 of the Public Utilities Code; it further appearing that, pursuant to Section 1034 of the Public Utilities Code, the Commission may, with or without notice, make its order requiring a person operating an unauthorized passenger stage to cease and desist from such operation; and it further appearing that this order should be effective immediately to prevent further injury to the authorized operation of Lewis; therefore,

IT IS ORDERED that:

1. James Warfield shall cease and desist from operating as a passenger stage corporation until the Commission makes and files its decision on the complaint, or until further order of the Commission.

2. The Executive Director of the Commission shall cause a certified copy of this order to be personally served upon James Warfield.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd
day of MAY, 1978.

Robert Batimian
President
William J. ...
Virginia ...
Robert D. ...
Clair T. ...
Commissioners