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89094

JUL 11 1978

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern Pacific
Transportation Company to
Discontinue the Operation of
Passenger Trains Between San
Francisco and San Jose and
Intermediate Points.

Application No. 57289
(Filed May 9, 1977)

ORDER MODIFYING AND DENYING
REHEARING OF DECISION NO. 88750

On April 19, 1978, the Commission issued Decision No. 88750, dismissing the application of Southern Pacific Transportation Company (Southern Pacific) to discontinue its passenger train service between San Francisco and San Jose and intermediate points. A petition for rehearing of this Decision was filed by Southern Pacific. The Commission, after considering each and every allegation raised in the petition, finds that no good cause for rehearing has been shown. However, the Commission believes that a brief further discussion of the Decision will clarify some areas of ambiguity raised by the petition.

We wish to stress that every decision relating to a request for discontinuance of service necessarily involves a careful balancing process. The elements of a prima facie case cannot be reduced to a set formula, but rather must depend on the facts surrounding each individual request. In the proceeding now before us, where a large metropolitan area is being served, where commuter passenger usage is substantial, and where the company is requesting a total elimination of service, we find it particularly important to scrutinize Southern Pacific's

entire intrastate operations. Without this evidence, we simply cannot analyze the financial predicament which Southern Pacific alleges exists; therefore, evidence relating to an essential part of the balancing process is missing. Those cases cited by Southern Pacific in which we did not require evidence of total intrastate operations to be submitted are distinguishable from the present case. In all of those cases, passenger usage had been shown to be truly de minimus. This is clearly not the situation with Southern Pacific's peninsula commuter service.

IT IS ORDERED that:

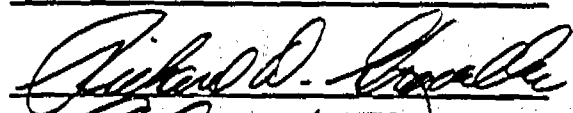
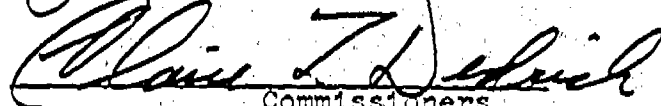
Rehearing of Decision No. 88750, as modified above, is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th day of JULY, 1978.



President

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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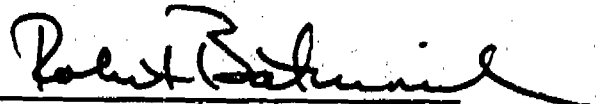
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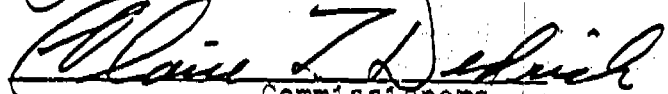
IT IS ORDERED that:

Rehearing of Decision No. 88750, as modified above, is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th day of JULY, 1978.


President



Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.