

Decision No. 89427 SEP 19 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

vs.

JAMES J. WARFIELD,

Defendant.

Case No. 10543  
(Filed April 17, 1978;  
amended April 19, 1978)

JAMES J. WARFIELD, dba SUNDAY BUSLINES,  
Complainant,

vs.

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

Case No. 10586  
(Filed June 2, 1978)

In the Matter of the Application of C. D. LEWIS, dba Orange Blossom Lines, for authority to extend existing passenger stage authority for home-to-work service between points in Riverside and Los Angeles Counties, on the one hand, and the Southern California Edison Nuclear Generating Station at San Onofre, California, on the other hand.

Application No. 58014  
(Filed April 19, 1978;  
amended July 14, 1978)

In the Matter of the Application of J. J. WARFIELD, dba Sunday Buslines, for a certificate of public convenience and necessity to operate passenger stage service between the Southern California Edison Nuclear Generating Station at San Onofre, California, on the one hand, and various points in Riverside and Orange Counties, California, on the other hand.

Application No. 58045  
(Filed May 4, 1978;  
amended June 2, 1978  
and July 17, 1978)

In the Matter of the Application of R. E. TRAHAN, dba Get A Way Lines, for authority to extend existing passenger stage authority for home-to-work service between points in Orange County and Los Angeles County, on the one hand, and the Southern California Edison Nuclear Generating Station at San Onofre, California, on the other hand.

Application No. 58112  
(Filed June 2, 1978)

Virant & deBrauwere, by John deBrauwere,  
Attorney at Law, for C. D. Lewis, dba  
Orange Blossom Lines, complainant.  
Murchison & Davis, by Donald Murchison,  
Attorney at Law, for James J. Warfield,  
dba Sunday Buslines, defendant.  
Ora A. Phillips and Thomas Hunt, for the  
Commission staff.

### O P I N I O N

C. D. Lewis, dba Orange Blossom Lines (Lewis) filed his complaint and Motion for an Immediate Cease and Desist Order against James J. Warfield (Warfield) alleging that Warfield, since April 3, 1978 has been conducting operations similar to those for which Lewis holds authority, viz., carrying passengers between points in the city of Corona, Riverside County, and Orange County, on the one hand, and the San Onofre Nuclear Generating Station (SONGS), on the other hand, without proper operating authority from this Commission. Lewis also alleges that Warfield is duplicating the route over which Lewis operates, which has caused the loss of 17 riders and the revenue therefrom since April 3, 1978, and that, therefore, Lewis stands to suffer irreparable injury if Warfield is allowed to continue to operate.

On May 2, 1978 by D.88804, effective on the date issued, we ordered Warfield to cease and desist from operating as a passenger stage corporation until the Commission issued its decision on the complaint, or until further order of the Commission.

On May 23, 1978 Warfield filed a Motion to Dissolve Cease and Desist Order and also filed his Answer to the complaint. On June 7, 1978 complainant Lewis filed his Answer to Warfield's Motion to Dissolve Cease and Desist Order. A hearing on the motion was held before Administrative Law Judge Bernard A. Peeters on June 9, 1978 in Los Angeles. By D.89354 we dissolved the Cease and Desist Order.

On June 2, 1978 Warfield filed a complaint against Lewis seeking a revocation of Lewis' certificate, or the issuance of a Cease and Desist Order. On June 20, 1978 Warfield's Answer was filed.

Lewis filed an application on April 19, 1978 seeking additional authority for his presently authorized home-to-work service to SONGS; by letter dated May 31, 1978 Warfield filed his protest to Lewis' application.

Warfield filed his application on May 4, 1978 and amended it on June 2, 1978, by which he seeks a certificate of public convenience and necessity to operate a passenger stage service between SONGS, on the one hand, and points and places in the counties of Los Angeles, Riverside, and Orange, on the other hand.

On June 2, 1978 R. E. Trahan, dba Get A Way Lines, filed his application to extend his existing routes so as to provide additional service to those persons living in Los Angeles and Orange Counties who are employed at SONGS.

At the hearing on Warfield's Motion to Dissolve the Cease and Desist Order, the parties entered into certain stipulations identified as Exhibits C1 and C2 with respect to rider and revenue loss sustained by Lewis. During a conference call on June 14, 1978 between the ALJ and the parties, certain procedural rules and hearing dates were agreed upon. Also, all of these matters were consolidated at the request of the parties.

During the discovery period the parties conferred with the staff, at the direction of the ALJ, and resolved their differences, whereupon each party withdrew his complaint and his protest against the others' application. Each applicant then amended his application to conform to the stipulations agreed upon at the conference. The staff filed its report and recommendation with respect to the result of the conference. This report will be received in evidence as Exhibit 1. Exhibit 1 sets forth proposed certificates reflecting the authorities sought in the amended applications. The staff recommends that these applications be granted on an ex parte basis.

The parties having resolved their differences we deem it appropriate to adopt the staff's recommendation that the applications be granted on an ex parte basis. Further, because of the pressing need for service at an important energy facility such as SONGS we will make this order effective immediately.

Findings of Fact

1. C. D. Lewis, by letter dated July 12, 1978, requests that his complaint against James J. Warfield be dismissed without prejudice, and that his protest to Warfield's A.58045 and Trahan's A.58112 be withdrawn.

2. James J. Warfield, by letter dated July 13, 1978, requests that his complaint against C. D. Lewis be dismissed without prejudice, and that his protest to Lewis' A.58014 be withdrawn.

3. There are no passenger stage corporations providing service in the market area for which Warfield seeks a certificate of public convenience and necessity.

4. Public convenience and necessity require the granting of a certificate to Warfield.

5. Public convenience and necessity require that the operating authorities of Lewis and Trahan be revised.

6. The grant of the new operating authority and the revision of existing authorities will not have an adverse impact upon the environment.

7. A public hearing is not necessary.

Conclusions of Law

1. Revised operating authority, as requested in Lewis' amended application and reflected in Exhibit 1, should be granted.

2. Revised operating authority, as requested in Trahan's amended application and reflected in Exhibit 1, should be granted.

3. Pursuant to Section 1033 of the Public Utilities Code a certificate of public convenience and necessity should be issued to Warfield as reflected in Exhibit 1.

James J. Warfield, dba Sunday Buslines, is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. The certificate issued to R. E. Trahan, dba Get A Way Lines, in D.88562 is revised as set forth in Appendix A hereto.
2. The certificate issued to C. D. Lewis, dba Orange Blossom Lines, in D.88346 is revised as set forth in Appendix B hereto.
3. A certificate of public convenience and necessity is granted to James J. Warfield (Warfield), an individual dba Sunday Buslines, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points set forth in Appendix C of this decision.
4. In providing service pursuant to the authority granted by this order, Warfield shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, Warfield shall file a written acceptance of the certificate granted. Warfield is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, Warfield shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Warfield shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

- 5. C.10543 is dismissed without prejudice.
- 6. C.10586 is dismissed without prejudice.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th  
day of SEPTEMBER, 1978.

President

*William J. Lyons*

*Vernon L. Sturgeon*

*Richard C. Moore*

*Clare J. DeBrie*

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

## APPENDIX A

Appendix A  
(Dec. 88562)

R. E. TRAHAN  
doing business as  
GET A WAY LINES

First Revised Page 3  
Cancels  
Original Page 3

## SECTION 2. ROUTE DESCRIPTIONS.

Service shall be provided between the points named in the routes shown below, on the one hand, and Southern California Edison Nuclear Station, San Onofre, on the other hand, over the most convenient and direct routes.

<u>Route:</u>	<u>Point:</u>	<u>City:</u>
1	190th Street and Figueroa Street (Pipefitters' Union Hall: July 1978 location)	Gardena
1	Atlantic Boulevard and 33rd Street (Gemco Parking Lot: July 1978 location)	Long Beach
2	Bellflower Boulevard and 23rd Street (Two Guys Parking Lot: July 1978 location)	Long Beach
2	*Westminster Avenue and Edwards Street (Albertson's Parking Lot: July 1978 location)	Westminster

Issued by California Public Utilities Commission.

\*Added by Decision No. 89427, Application No. 58112.



APPENDIX B  
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Appendix A  
(Dec. 88346)

C. D. LEWIS  
doing business as  
ORANGE BLOSSOM LINES

First Revised Page 3  
Cancels  
Original Page 3

SECTION 2. ROUTE DESCRIPTIONS.

Service shall be provided between the points named in the routes shown below, on the one hand, and Southern California Edison Nuclear Station, San Onofre, on the other hand, over the most convenient and direct routes.

<u>Route:</u>	<u>Point:</u>	<u>City:</u>
LA-1	Pioneer Boulevard and Centralia Street: location of Bloomfield Park as of July 1978	Lakewood
LA-1	**Fern Street and Garden Grove Boulevard: location of Desk's Parking Lot as of July 1978	Garden Grove
LA-1	**San Diego Freeway (Interstate 405) and Harbor Boulevard: location of Key Furniture Parking Lot as of July 1978	Costa Mesa
LA-1	*San Diego Freeway (Interstate 405) and La Paz Road	Mission Viejo

Issued by California Public Utilities Commission.

\*Added or \*\* Changed by Decision No. 80107, Application No. 58014.

Appendix A  
(Dec. 88346)

C. D. LEWIS  
doing business as  
ORANGE BLOSSOM LINES

First Revised Page 4  
Cancels  
Original Page 4

<u>Route:</u>	<u>Point:</u>	<u>City:</u>
ORA-1	*Orange Freeway (State Route 57) and Brea Canyon Cutoff	Diamond Bar Area
ORA-1	Yorba Linda Boulevard and Placentia Avenue: location of K-Mart as of July 1978	Fullerton
ORA-1	**Orange Freeway (State Route 57) and Katella Avenue: location of Anaheim Stadium as identified in July 1978	Anaheim
ORA-1	Newport Freeway (State Route 55) and First Street: location of Prentice Park as identified in July 1978	Santa Ana
ORA-1	***	***

Issued by California Public Utilities Commission.

\*Added, \*\* Changed, or \*\*\* Deleted by Decision No.  
Application No. 58014.

89427

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Appendix C

J. J. WARFIELD  
doing business as  
SUNDAY BUSLINES

Original Page 1

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY

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

PSC - 1054

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.

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Issued under authority of Decision No. 89427  
dated SEP 19 1979 of the Public Utilities Commission  
of the State of California, in Application No. 58045.

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

J. J. Warfield, an individual, doing business as Sunday Buslines, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to operate between the Southern California Edison Nuclear Station, San Onofre, on the one hand, and points in Los Angeles and Orange Counties, identified in Section 2, on the other hand, over the most convenient and direct routes. This certificate is subject to authority of this Commission to change or modify said routes at any time and subject to the following conditions:

- (a) Passengers shall be loaded and unloaded only at points specified in Section 2.
- (b) Only passengers destined to or originating at the Southern California Edison Nuclear Station, San Onofre, shall be transported.
- (c) Service shall be operated at times necessary to meet employees' shift needs or regular working days.
- (d) The route traversed during the pickup at the beginning of the work shift will be traveled in reverse at the end of the work shift.
- (e) Availability of seating will depend upon advance purchase of weekly tickets by passengers.

Issued by California Public Utilities Commission.

Decision No. 89427, Application No. 58045.

## SECTION 2. ROUTE DESCRIPTIONS.

<u>Route:</u>	<u>Point:</u>	<u>City:</u>
RIV-ORA-1	Main Street and Riverside Freeway (State Route 91): location of Thrifty Drug Store, July 1978	Corona
RIV-ORA-1	Riverside Freeway (State Route 91) and Imperial Highway (State Route 90): location of Von's Parking Lot, July 1978	Anaheim
RIV-ORA-1	Newport Freeway (State Route 55) and Lincoln Avenue: location of Safeway Parking Lot, July 1978	Orange
LA-ORA-2	10400 E. Rosecrans Avenue (approximately 2 blocks west of San Gabriel River Freeway) at July 1978 location of K-Mart Discount Store	Bellflower
LA-ORA-2	Northwest intersection of Artesia Freeway (State Route 91) and Beach Boulevard (State Route 39) at July 1978 location of Treasury Store	Buena Park

Issued by California Public Utilities Commission.

Decision No.       S9427      , Application No. 58045.