

ORIGINAL

Decision No. 89733 DEC 12 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JE & R CHARTER SERVICE, INC., for a)
permit to operate as a charter-party)
carrier of passengers, San Francisco)
(File No. TCP-848-7).

Application No. 58219
(Filed July 11, 1978)

O P I N I O N

Applicant, a California corporation, has been operating as a charter-party carrier under authority of a permit issued by this Commission. Applicant filed a routine request to renew the permit on or about May 18, 1978. Protests were filed by Greyhound Lines, Inc. and the City and County of San Francisco. Greyhound Lines, Inc. later (on August 1, 1978) withdrew its protest, which had been filed in error. A temporary permit was issued (with an expiration date of June 24, 1979) pending a hearing on the remaining protest which was held on October 5, 1978. Neither party appeared nor bothered to explain its absence.

The renewal of permits is routine in the absence of protest and hearings are seldom required. When hearings are scheduled, it is to provide an opportunity for a protestant to explain why the permit should not be granted. Applicant did not request or require the hearing and should not be penalized for its failure to appear.

Under the circumstances we therefore find and conclude that the protest should be denied for lack of prosecution and that the application should be granted.

ORDER

IT IS ORDERED that:

1. Charter-party Carrier of Passengers Permit No. TCP-848-P authorizing JE & R Charter Service, Inc., a California corporation, to operate as a charter-party carrier of passengers, as defined in Section 5384(b) of the Public Utilities Code, shall be renewed for its regular one-year term from its last date of issuance (that is, to expire June 24, 1979).

2. In providing service pursuant to the permit herein granted, applicant shall comply with and observe the following service regulations. Failure to do so may result in cancellation of the operating authority granted by this decision.

Applicant will be required, among other things, to comply with and observe 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. 115-Series.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 12th day of DECEMBER, 1978.

Robert Bateman
 President

William Squires Jr.

Verizon A. Sturgeon

Charles P. Howell

Philip J. Decker
 Commissioners