

Decision No. 90800 SEP 12 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of AMERICAN BUSLINES, INC., a corporation, for a temporary certificate of public convenience and necessity as a passenger stage corporation authorizing service: (1) Between San Francisco, California and Sacramento, California; (2) Between Los Angeles, California and San Diego, California; and (3) Between San Diego, California and the California-Arizona State Line.

Application No. 58858  
(Filed May 11, 1979)

O P I N I O N

This application requests that a temporary certificate be issued to American Buslines, Inc. to authorize applicant to provide a passenger stage service during the summer holiday season from June 15, 1979 to September 15, 1979 between San Francisco and the California-Nevada State Line, over Highway 80, with no service locally between San Francisco and Vallejo; also, between Los Angeles and Doheny Park over Interstate 5, serving all intermediate points, except no local service between Los Angeles and Doheny Park; and between San Diego and the California-Arizona State Line, over Interstate Highway 8, serving all intermediate points.

It is alleged that applicant is already operating over all routes noted under its authority from the Interstate Commerce Commission and that the proposed service can be operated with existing equipment under its current schedules. It is further alleged that this service will help to relieve the emergency caused by the

current fuel crisis and increasing public use of passenger buses and trains.

Greyhound Lines, Inc. (Greyhound) filed a motion to dismiss on May 29, 1979. It argues that: (1) the Commission has no jurisdiction to issue a temporary certificate where a protest is filed; (2) Section 1032 of the Public Utilities Code requires a finding that present service is inadequate before a certificate can be issued; (3) applicant has presented no evidence as yet of an emergency or a need for additional service; (4) Greyhound is presently providing all service needed in the area and to certificate another carrier will result in duplication and wastage of fuel; (5) the environment may thereby be affected and an Environmental Impact Report or a Negative Declaration should be issued with the Commission as the lead agency; and (6) a separate hearing should be held on the environmental issue prior to any other determination herein, in the event that the motion to dismiss is denied.

Applicant filed a reply to the motion to dismiss on June 6, and the United Transportation Union filed a notice of intervention on June 8, 1979.

Applicant and Greyhound each informed the Commission that the former has three submitted applications now pending, which request that certificates be issued for the routes and between the points noted herein: Application No. 57797, between San Francisco and Sacramento; Application No. 57939, between Los Angeles and San Diego; and Application No. 58457, between San Diego and the California-Arizona State Line. Applicant argues that all necessary supporting evidence and briefs have been received in these prior proceedings to justify the immediate issuance of the ex parte order requested. Greyhound contends that this petition is an improper attempt to influence the submitted applications of applicant, since it attempts to raise issues that are pending in other proceedings, and should therefore be dismissed.

Finding of Fact

The issues to be decided in this application are already before the Commission in other submitted proceedings, which will be acted on in the near future.

Conclusions of Law

1. The Commission should not consider an application for temporary operating authority in three areas where certificates have already been applied for in other applications which have been submitted, unless extreme emergency or crisis is evident.

2. Extreme emergency or crisis is not evident in this proceeding.

3. The relief requested should be denied.

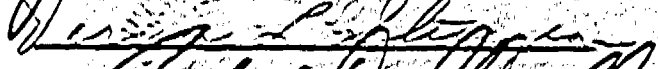


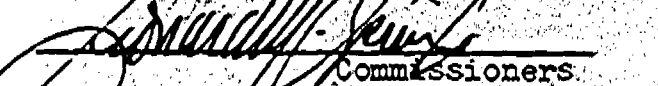
O R D E R

IT IS ORDERED that the relief requested in the application is denied.

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

Dated SEP 12 1979 at San Francisco, California.

  
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President

  
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Commissioners