

Decision No. 90951 OCT 23 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 Ernst Paul Boxler (Executive Lounge
 Coach) for a Class "B" certificate
 to operate as a Charter-party
 Carrier of Passengers, LA
 File B-6

Application No. 58955
 (Filed June 22, 1979)

O P I N I O N

This is an application by Ernst Paul Boxler, an individual, doing business as Executive Lounge Coach, for a Class "B" certificate to operate as a charter-party carrier of passengers.

Applicant's home terminal is located at 6399 Wilshire Boulevard, Los Angeles, California.

Notice of filing of the application appeared in the Commission's Daily Calendar dated June 26, 1979.

A description of the equipment to be used is one 16-passenger 1979 Revcon bus which is owned by applicant.

Initially Greyhound Lines, Inc. protested the application because of an alleged impact on its intrastate charter-party operations. By letter to the Commission dated July 31, 1979, however, Greyhound withdrew objection to granting of the requested certificate by agreement with applicant to restrict the proposed service to transportation of passengers in motor vehicles having a seating capacity not exceeding 16 passengers, including the driver.

Both protestant and applicant requested Commission adoption of the above restriction.

The Commission's Transportation Division staff has reviewed the application and recommends that, in the absence of protest or request for public hearing, it be granted by ex parte order.

Applicant's financial statement as of June 7, 1979 shows total assets of \$50,795.00 and total liabilities of \$10,000.

Findings of Fact:

1. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed service.

2. Applicant's terminal is located at 6399 Wilshire Boulevard, Los Angeles, California.

3. Applicant and protestant Greyhound have agreed that the proposed service should be restricted as follows:

Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 16 passengers, including the driver.

4. All protests to the granting of applicant's Class "B" charter-party carrier of passengers permit have been withdrawn.

5. No hearing is necessary in this proceeding.

6. Public convenience and necessity require that the service proposed by applicant be established.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law:

The Commission concludes that the proposed authority should be issued, subject to certain restrictions, as provided for in the following order.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, shall be issued to Ernst Paul Boxler, an individual, doing business as Executive Lounge Coach, authorizing him to operate as a Class "B" charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 miles from applicant's home terminal at 6399 Wilshire Boulevard, Los Angeles, California, subject to the following restriction:

Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 16 passengers, including the driver.

2. In providing service pursuant to the certificate 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 30 days after the date hereof.

Dated OCT 23 1979, at San Francisco, California.

President

Commissioner JOHN E. BRYSON

Present but not participating.

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

Commissioners