

ORIGINAL

Decision No. 92461 DEC 2- 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
A-Ware Charter Leasing, Inc. for a)
Class "B" Certificate to operate as)
a Charter-party Carrier of Passengers,)
Rosemead.)

Application No. 59754
(Filed June 23, 1980)

O P I N I O N

Applicant, A-Ware Charter Leasing, Inc. (A-Ware), seeks authority to operate as a Class "B" charter-party carrier of passengers from its headquarters in Rosemead, California. A-Ware proposes to provide such service with two buses--one, a 1964 GMC, and the other, a 1965 MC-5, each with a seating capacity of 42 passengers.

Applicant's home terminal is located at 2712 North New Avenue, Rosemead, California 91770.

Notice of filing of the application appeared in the Commission's Daily Calendar dated June 25, 1980. In addition, copies of the application were mailed by applicant to carriers who might be affected by the proposed service.

Greyhound Lines, Inc. (Greyhound), holder of a Class "A" certificate, was the only carrier to protest the application. However, prior to public hearing, Greyhound and applicant entered into a stipulated agreement whereby applicant would restrict its proposed charter service to the use of no more than three buses in return for Greyhound's withdrawal of its protest to the application. The stipulated agreement was received in writing from the parties.

Applicant's financial statement as of June 23, 1980 shows assets of \$59,000 and no liabilities. Applicant's bank is the Garfield Bank in Monterey Park, California. Its insurance agent is Paul A. Johnson, 1725 West Sixth Street, Los Angeles, California 90017.

Applicant states that it will not assess or collect any individual fares under a charter-party certificate, if granted, and that its charges will be based on time of usage, mileage rates, or a combination of both.

Applicant's president has 24 years of experience as a master mechanic and the rendering of emergency road service for Greyhound. He also has four years of experience as a bus driver in the transportation of passengers.

Findings of Fact

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

2. Applicant's home terminal is located at 2712 North New Avenue, Rosemead, California 91770.

3. Applicant's proposed service will be restricted to a bus fleet of no more than three buses for the proposed operation.

4. All protests to the granting of applicant's Class B certificate to operate as a charter-party carrier of passengers have been withdrawn.

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

Conclusions of Law

1. No hearing is necessary in this proceeding.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. The requested authority should be issued, subject to the restriction provided for in the following order.

O R D E R

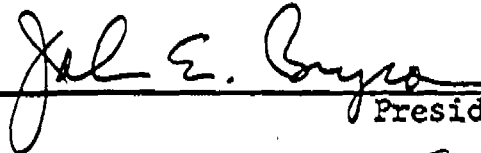
IT IS ORDERED that:

1. A certificate of public convenience and necessity 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 forty air miles from applicant's home terminal at 2712 North New Avenue, Rosemead, California 91770, is authorized to be issued to applicant, A-Ware Charter Leasing, Inc.
2. In providing service pursuant to the certificate then issued, applicant shall comply with and observe, among other things, the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 115-Series. Failure to do so may result in cancellation of the operating authority.
3. When the required California Highway Patrol clearances are received by the Commission's Passenger Operations Branch and the evidences of adequate protection against liability imposed by law are filed in compliance with General Order No. 115-Series, the annual renewable certificate on Form PE-695 will be issued by the Passenger Operations Branch under the authorization of Resolution PE-303, approved July 29, 1975.

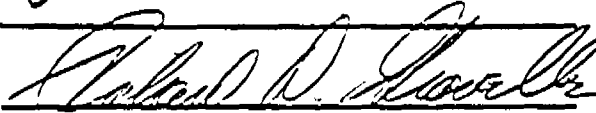
4. Applicant shall restrict its bus fleet to no more than three buses in the operation of the Class B certificate to operate as a charter-party carrier of passengers.

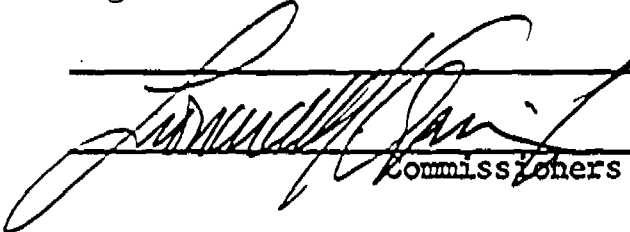
The effective date of this order shall be thirty days after the date hereof.

Dated DEC 2 - 1980, at San Francisco, California.



President





Commissioners

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

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.