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ORIGINAL

Decision No. 92468 DEC 2- 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of WAH HING LUNG TRADING COMPANY )  
for a Class "B" certificate to )  
operate as a charter-party carrier )  
of passengers, San Francisco. )  
(GO 98-A). )

Application No. 59757  
(Filed June 24, 1980)

Yung To, by Gary Lam, for Yung To,  
applicant.  
James S. Clapp, Attorney at Law, for  
Lorrie's Travel & Tours, Inc.; and  
Denise E. Richardson, for Franciscan  
Lines, Inc.; protestants.

O P I N I O N

Yung To, an individual doing business as Wah Hing Lung Trading Company, requests authority to operate out of the city and county of San Francisco as a Class B charter-party carrier of passengers. The application was protested by Greyhound Lines, Inc. (Greyhound), Lorrie's Travel & Tours, Inc. (Lorrie's) and Franciscan Lines, Inc. The Greyhound protest was withdrawn after applicant agreed to amend the application to provide for "an origination territory encompassed by the city limits of San Francisco and to provide service in the transportation of charter-parties beginning and ending in San Francisco and not extending beyond 200 miles from the city limits thereof". A hearing was scheduled on the other protests and held in San Francisco on September 10, 1980, before Administrative Law Judge Edward G. Fraser.

During the hearing both of the remaining protests were withdrawn. Lorrie's withdrew its protest after applicant agreed

that all vehicles used would have a capacity of 38 or more passengers and that no more than four vehicles would be used to transport passengers. It was further agreed that no service would be provided from or to the San Francisco International Airport. Franciscan Lines, Inc. abandoned its protest after applicant agreed to transport only permanent residents of the San Francisco Bay Area.

Applicant has 15 years' experience as a bus operator in Hong Kong and he operated buses in the bay area during the strike of Bay Area Rapid Transit District employees. Applicant owns all three of his buses and all three vehicles carry at least 38 passengers. His principal office, bank, and insurance company are all in San Francisco. His statement of financial condition indicates assets of \$61,000 and no outstanding liabilities.

Findings of Fact

1. Applicant, an individual doing business as Wah Hing Lung Trading Company, will provide service out of the city and county of San Francisco as a charter-party carrier of passengers.
2. Applicant has agreed to accept restrictions on his operating authority as explained herein.
3. Protestants withdrew after applicant agreed to accept certain restrictions on his operating authority.
4. Public convenience and necessity require that the proposed service be granted.
5. Applicant possesses the experience, equipment, and financial resources to initiate and conduct the proposed transportation service.
6. 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

Public convenience and necessity have been demonstrated and the application should be granted as set forth 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 the city and county of San Francisco is authorized to be issued to Yung To, individual, doing business as Wah Hing Lung Trading Company.
2. In providing service pursuant to the certificate when 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 the 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 evidence 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 is subject to the following restrictions:
  - a. All charters shall start and conclude in the city and county of San Francisco.
  - b. The service and transportation provided shall not extend more than 200 miles from the city limit of San Francisco.
  - c. Applicant shall operate no more than four buses and all shall have a capacity of at least thirty-eight passengers.

- d. No service shall be provided into or out of the San Francisco International Airport ~~only from~~ <sup>salvage business only from</sup> ~~RA~~
- e. ~~Applicant shall transport only permanent residents of the city and county of San Francisco.~~

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SS

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

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

John E. Bryan  
President

Robert W. Giville

Donald J. Smith  
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.