

Decision No. 92529 DEC 16 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
KARL B. HERTZ doing business as)
DESERT PACIFIC CHARTER LINES, for)
Class "B" certificate to operate)
as a charter-party carrier of)
passengers, Montclair.)
(File No. GO-98a))

Application No. 59786
(Filed July 1, 1980)

O P I N I O N

Applicant Karl B. Hertz's terminal is in Montclair, California. He owns one 39-passenger, 1966 GMC bus. Applicant has operated as a for-hire trucker under a radial highway common carrier permit, but has had no experience with passenger buses. Applicant's financial statement indicates a net worth of \$177,750 and current liabilities of \$8,926. The application has an estimate of expense, income, miles to be traveled, and passengers to be carried on the proposed charter operation. Applicant's Long Beach bank and Pomona insurance agent are listed in the application. Notice of filing was published in the Commission's Daily Calendar and no protests have been received.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 4791 Arrow Highway, Montclair.
4. 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 proposed authority should be issued as provided 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 40 air miles from applicant's home terminal at 4791 Arrow Highway, Montclair, California 91763, is authorized to be issued to applicant, Karl B. Hertz doing business as Desert Pacific Charter Lines.

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 the 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.

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

Dated DEC 16 1980, at San Francisco, California.

John E. Byrne
President

Robert D. Howell
Clair J. Dredel

Commissioners

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

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.