

ORIGINAL

Decision No. 92531 DEC 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application }
of Gilbert Vaughn & Chachawan }
Choomuang, doing business as }
L-LE GANT TOURS, for a Class "B" }
certificate to operate as a }
Charter-Party Carrier of }
Passengers, Los Angeles. }
(File No. 98-A.) }

Application No. 59881
(Filed August 15, 1980;
amended September 24, 1980)

Gilbert Vaughn, for himself, applicant.

O P I N I O N

Km
By this application Gilbert Vaughn and Chachawan Choomuang, a general partnership doing business as L-Le Gant Tours (applicant), seeks authority to operate from a terminal in Los Angeles as a Class B charter-party carrier of passengers. On September 5, 1980 a protest and request for hearing was filed by Greyhound Lines, Inc. (Greyhound). Greyhound stated that the application should be denied because the existing charter-party carriers are adequately serving the public. Further, Greyhound stated that if applicant would agree to restrict operations to vehicles carrying 17 or less passengers, the protest would be withdrawn.

On September 24, 1980 applicant filed an amendment to the application stipulating to limiting its operations to vehicles carrying 25 persons, including driver and interpreter. In a letter dated October 1, 1980 Greyhound stated it would withdraw its protest provided the vehicle limitation size amendment was acceptable to the Commission.

Hearing was held October 21, 1980 at Los Angeles before Administrative Law Judge Banks.

Applicant proposes to provide charter-party service for Japanese, Korean, and Chinese nationals in cooperation with Japan Air Lines, Korean Air Lines, and China Air Lines. It presently has two leased 17-passenger vehicles with plans to lease two 25-passenger vehicles if and when operating authority is received. The financial statement attached to the application shows a net worth of \$33,908.39.

Findings of Fact

1. Applicant proposes to provide service as a charter-party carrier of passengers in cooperation with Japan Air Lines, Korean Air Lines, and China Air Lines.

2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.

3. With amendment of the application to limit the size of vehicles to 25 passengers the only protest was withdrawn.

4. Public convenience and necessity require that the service proposed by applicant be established with a 25-passenger vehicle restriction.

5. Applicant should be authorized to pick up passengers within a radius of 40 miles from the home terminal.

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

The Commission concludes that the application should be granted as set forth in the ensuing 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 applicants' home terminal in the city of Los Angeles, is authorized to be issued to applicants, Gilbert Vaughn and Chachawan Choomuang, dba L-Le Gant Tours.
2. In providing service pursuant to the certificate when issued, applicants 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 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. Applicants shall restrict their bus fleet to no more than four as passenger 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 16 1980, at San Francisco, California.

John E. Byrnes
President

Richard D. Howell

Claire J. DeLoach

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.