

ORIGINAL

Decision 93145 JUN 2 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of WILLIS LEE SHIFFLET dba DIAMOND)
CHARTER LINES for a Class B charter)
bus certificate from home terminal)
in Monrovia, California.)

Application 60267
(Filed February 17, 1981)

O P I N I O N

Willis Lee Shifflet (applicant), dba Diamond Charter Lines, seeks a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers in accordance with Public Utilities (PU) Code Section 5383. This is applicant's second application for a certificate.

Applicant's first application was denied (Decision 92620) without prejudice because of an inadequate showing and failure to demonstrate public convenience and necessity for applicant's service. The first application was served on 20 carriers holding Class A and Class B certificates and the only opposition was by Greyhound Lines, Inc. (Greyhound).

Greyhound now states that it does not oppose this application provided the certificate limits applicant's operations to three buses. The application was served on 20 charter bus carriers and apart from the communication from Greyhound, no protests were received. Accordingly, no public hearing is necessary. Applicant has accepted the three-bus limit. However, if applicant ever wishes to have the restriction modified or removed he may file an application to modify this decision.

Applicant states that for nearly a year he has, under agreement with John Collins of Collins Charter (TCP 74-B) and Vern Hunter of G. L. H. Tours (TCP 172-A), conducted charter trips on behalf of the above carriers for various groups, including the Senior Citizens of Monrovia. Also, he states that negotiations are currently under way between himself and a large Los Angeles travel agency whereby he would be one of the charter carriers for its groups provided his request for Class B authority is approved.

Initially, applicant proposes to operate a 1967 GM 40-passenger bus owned by him. In accordance with PU Code Section 5371.2, applicant's service area shall encompass no more than a radius of 40 air miles from his home terminal at 324 Stedman Place, Monrovia, California.

The financial statement submitted by applicant shows assets of \$312,000 and liabilities of \$143,000.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 324 Stedman Place, Monrovia, California 91016.
4. Applicant stipulates that he will limit operations under the certificate to three buses.
5. No public hearing is necessary.
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 a certificate should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to applicant, Willis Lee Shifflet, authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5371.2, from a service area with a radius of 40 air miles from applicant's home terminal at 324 Stedman Place, Monrovia, California 91016.

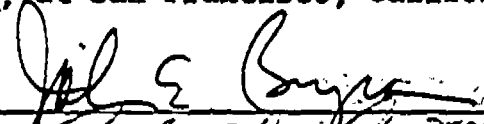
2. Applicant shall limit operations under this certificate to a total of three buses.


3. When applicant files California Highway Patrol clearances and evidence of liability protection in compliance with General Order Series 115, the Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303, adopted July 29, 1975.


4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order becomes effective 30 days from today.

Dated JUN 2 1981, at San Francisco, California.



President




Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.