

ORIGINAL

Decision 93277 JUL 7 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
Phil Constantine, doing business )  
as Embassy Limo Service, for a )  
certificate to operate as a Class )  
"B" Charter-Party Carrier of )  
Passengers, Norwalk. )

Application 60186  
(Filed January 15, 1981)

Phil Constantine, for himself, applicant.  
R. D. Kierson, Attorney at law (Illinois), for  
Greyhound Lines, Inc., protestant.

O P I N I O N

In response to protests and requests for hearing filed by Greyhound Lines, Inc. (Greyhound), Application (A) 60186 was set for joint hearing with A.60187 (Variety Tours, Inc.) and A.60188 (James D. McCarnes). These applications seek Class B charter-party carrier certificates. Hearing was held in Los Angeles before Administrative Law Judge Gilman on April 13, 1981 on a consolidated record.

After hearing commenced, Phil Constantine (Constantine), dba Embassy Limo Service, who appeared on his own behalf, reached an agreement whereby Greyhound would withdraw its protest, and he would modify his request to seek authority to operate only vehicles with a seating capacity of 20 or fewer passengers.

It should be noted that Constantine has operated as a charter-party carrier of passengers under a permit (TCP-761-P). He operates limousines and stretch-outs under that authority, to provide package tour transportation for small groups. He recently purchased two larger vehicles to transport larger groups which would otherwise require him to use two of his existing vehicles. These new vehicles will seat 16 and 20 passengers.

Constantine has devised merchandising techniques to enable him to obtain odd-sized groups from overseas. These groups are too small (less than 21) to be transported economically in large vehicles and too large for his existing fleet. He is presently willing to concede that larger groups should be carried by those who can do so economically. The agreement with Greyhound does not deter Constantine from purchasing and seeking authority to operate larger buses in direct competition with Greyhound. ✓

Since Greyhound still maintains its opposition to the other applications, it is appropriate to issue a separate decision covering only A.60186. ✓

Findings of Fact

1. Constantine presently owns and plans to operate only vehicles which are too small to compete directly with Greyhound's charter operation.

2. Constantine plans to specialize in transporting groups which are so small that they could not be transported economically at Greyhound's charter rates in a full-size bus.

3. Public convenience and necessity require the operation by Constantine of vehicles seating more than 14 but fewer than 21 passengers.<sup>1/</sup>

4. Greyhound does not operate or plan to operate vehicles seating 15 to 20 passengers. Constantine does not own or presently plan to purchase vehicles seating more than 20 passengers.

5. It is reasonably necessary in the public interest to limit Constantine to the operation of vehicles seating fewer than 21 persons.

6. Constantine is financially responsible to conduct the proposed operations.

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<sup>1/</sup> Public Utilities (PU) Code Section 5384 would allow Constantine to purchase and operate vehicles seating as many as 14 passengers under the permit he already holds.

7. Constantine is a fit person to hold a certificate as a charter-party carrier. He possesses the equipment, experience, and ability to operate the proposed service.

8. 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. Public convenience and necessity have been demonstrated and a certificate should be granted.

2. No hearing is required, if the certificate is subject to the condition stated in Finding 5.

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 Phil Constantine (Constantine) authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from his home terminal at 10944 Hayford Street, Norwalk.

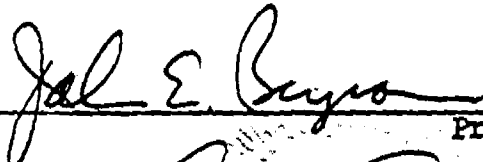
2. When the Commission receives California Highway Patrol clearances and Constantine files evidence of liability protection in

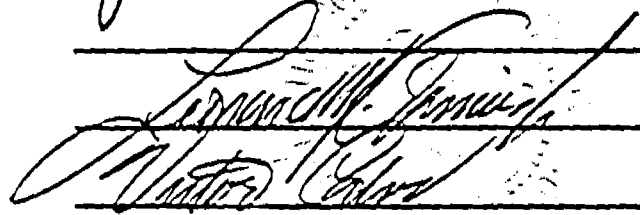
compliance with General Order Series 115, the Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303, adopted July 29, 1975.

3. In providing service under the certificate, Constantine 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 JUL 7 1981, at San Francisco, California.

  
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President

  
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Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.