

JUL 7 1981

ORIGINAL

Decision 93288

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of FRANK C. McCLENDON, JR., doing )  
business as NORTH BAY TRANSIT, for )  
a Class "B" certificate to )  
operate as a charter-party )  
carrier of passengers, Vallejo. )  
(File No. B-16.) )

Application 59398  
(Filed January 24, 1980;  
amended March 31, 1981)

(See Decision 92312 for appearances.)

O P I N I O N

Frank C. McClendon, Jr., (applicant), dba North Bay Transit, requests a Class B charter-party carrier of passengers certificate out of the city of Vallejo, Solano county. Timely protests to the application were filed by Vaca Valley Bus Lines, Incorporated of Fairfield, Coast Counties Charter of Campbell, Peerless Stage Incorporated of Oakland, and Franciscan Lines, Incorporated of San Francisco. Public hearing was held April 21, 1980 at San Francisco. Falcon Charter Service appeared at the hearing to protest the application.

By Interim Decision (D.) dated October 8, 1980 we denied the application without prejudice. That decision authorized applicant to file no later than December 31, 1980 further written evidence to establish that (1) the proposed service is required by public convenience and necessity; (2) applicant is satisfactorily fit and financially responsible in preparing to comply fully with Commission regulations; and (3) existing carriers in the territory proposed to be served are not providing satisfactory service or service of the same character as that proposed.

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On December 24, 1980 applicant requested an extension to and including March 31, 1981 for submission of further evidence. By D.92726 dated February 18, 1981 the request for an extension to and including March 31, 1981 was granted. Public hearing was scheduled for May 18, 1981.

Attached to the amended application filed March 31, 1981 were four certifications from organizations in Vallejo supporting the application for motor carrier authority. The certification states that the organizations would use applicant's service from 3 to 16 times per year. Also, attached to the amended application, was applicant's financial statement as of March 31, 1981. The statement shows the following assets: Cash and Checking \$1,300; Cash and Savings \$6,500; Office Furniture \$3,200; Automobiles \$13,400; Bus \$21,600; Household Furnishings \$25,000; Real Estate \$78,000, for a total of \$149,000. Liabilities shown are: Accounts Payable \$949; Installment Account-Auto \$6,900; Installment Account-Other \$1,300; Real Estate Mortgage \$51,500, for a total of \$60,649, resulting in a net worth of \$88,351. ✓

By letter dated May 14, 1981 applicant requested that the matter be taken off calendar. Applicant stated that all protests had been withdrawn and requested a certificate be issued forthwith.

A letter withdrawing its protest has been received from each protestant. The protests were withdrawn after applicant agreed that any certificate issued should exclude service for the City of Oakland and the City and County of San Francisco.

Based on the record from the hearing held April 21, 1980 and the material filed March 21, 1981, we believe that applicant can provide the service requested and should be granted a Class B certificate containing the restrictions stipulated to. Further hearing is not necessary. It should be noted that applicant has previous experience

in operating buses and that he has received numerous requests for service from various groups in the Vallejo area. In addition, he advises he is in the process of purchasing buses to accommodate wheelchairs to better serve the handicapped and the elderly.

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 terminal in Vallejo, California, excluding the City of Oakland and the City and County of San Francisco.
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:

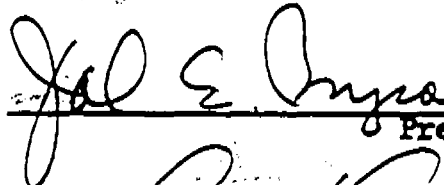
1. A certificate of public convenience and necessity, to be renewed each year, is granted to Frank C. McClendon, Jr. authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal in Vallejo, California.
2. The authority authorized shall exclude the City of Oakland and the City and County of San Francisco.


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

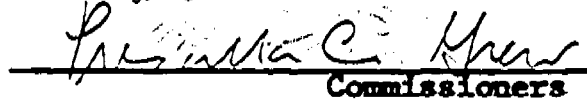
4. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives California Highway Patrol clearances and evidence of liability protection in compliance with General Order Series 115.

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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Richard D. Gravelle

  
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Commissioners

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