

T/am

Decision 93822 DEC - 11981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 STAR BAR CORPORATION dba EMPIRE )  
 CHARTER BUS, for Class "B" certificate )  
 to operate as a charter-party carrier )  
 of passengers, Riverside . )  
 (File No. B-10) )

Application 59095  
(Filed August 27, 1979)

ORDER OF REVOCATION

By Decision 92383 dated November 4, 1980, in Application 59095, Star Bar Corporation (Star Bar), doing business as Empire Charter Bus, was granted a certificate of public convenience and necessity (TCP 91-B), 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 fifteen air miles from applicant's home terminal at 15561 Saddleback Street, Riverside, California 92516.

On March 20, 1981 the staff of the Commission's Los Angeles Passenger Operations Branch wrote Star Bar requesting it to comply with Ordering Paragraphs 2 and 3, requiring the filing of evidence of adequate insurance protection against liability in accordance with the Commission's General Order Series 115, and to obtain California Highway Patrol safety clearance for equipment it planned to use in its certificated operations.

On March 30, 1981, in response to the above correspondence, Rick Bartholomew, 2339 Oak Crest Drive, Riverside, CA 92506, manager of Star Bar, met with staff of the Commission's Los Angeles Passenger Operations Branch. Bartholomew stated that <sup>Resolution</sup> true ownership of Star Bar had been in question and that final ~~resolve~~ was expected on March 31, 1981 and he would submit the requisite insurance certificate,

an equipment list for the California Highway Patrol inspection, and Driver's Fitness Form, PE 654. Commission records indicate that the documents were never received.

On July 8, 1981 an undated letter signed by Rick Bartholomew was received in Los Angeles requesting that the Commission formally transfer all Bartholomew's interest in Star Bar to Charlie R. Perry. On the above date Commission staff phoned Rick Bartholomew and Charlie R. Perry for clarification of instructions contained in the letter and to advise both parties that the letter was not the proper vehicle for transfer of authority granted to Star Bar by the Commission.

On April 15, 1981 a transfer application from Star Bar Corporation (signed by and as Oliver Bartholomew) to Charlie R. Perry was received at the Commission's Los Angeles District office. The transfer application remains unprocessed because of incompleteness, lack of an insurance filing, California Highway Patrol equipment clearance, driver information, etc. Staff has repeatedly requested this information be furnished, but to no avail.

On October 5, 1981 Charlie R. Perry met with staff of the Commission's Los Angeles Passenger Operations Branch. Perry is no longer interested in accepting transfer of Star Bar's authority. Staff in recent weeks has been unable to contact Bartholomew either by phone or letter concerning his intent in this matter.

Findings of Fact

1. Star Bar has failed to file evidence of adequate protection against liability imposed by law in compliance with the Commission's General Order Series 115.
2. The Commission has not received the required California Highway Patrol clearances for Star Bar.

3. Ordering Paragraph 2 of the Commission's Decision 92383 cautioned Star Bar that failure to meet the above requirements may result in the cancellation of the operating authority granted by Decision 92383.

Conclusions of Law

1. Star Bar has been offered ample opportunity to comply with Ordering Paragraph 2 of Decision 92383.

2. Star Bar has not been denied due process of law.

3. The above matters constitute good cause for revocation of the Class "B" charter-party carrier of passenger's certificate (TCP-91-B) granted to Star Bar.

4. Since there is no evidence of insurance, this order should be effective today.

IT IS ORDERED that the certificate of public convenience and necessity (TCP 91-B), granted to Star Bar Corporation by Decision 92383 dated November 4, 1980 in Application 59095, is revoked.

The Executive Director is directed to mail certified copies of this order to Star Bar Corporation, 15661 Saddleback Street, Riverside, CA 92516 and Rick Bartholomew, 2339 Oak Crest Drive, Riverside, CA 92506, the last known addresses of record filed with this Commission.

This order is effective today.

Dated DEC 1 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Joseph E. Bobovitz*  
Joseph E. Bobovitz, Executive Director