

**ORIGINAL**

Decision No. 48292

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FIALER'S LIMOUSINES, INC., a corporation, for an order granting certificates of public convenience and necessity extending existing operating rights.	)	
	)	
	)	Application
	)	No. 33309
	)	

In the Matter of the Application of AMANDO T. MAZZOCCHI, a solo proprietorship, for an order preliminary to and directing the future issuance of a certificate of public convenience and necessity under Chapter 5, Article 1, Section 1003 and Chapter 5, Section 1032 of the Public Utilities Code, to operate a common carrier passenger stage service, to transport airline passengers and their baggage or express for compensation between the San Francisco Municipal Airport, San Mateo County, on the one hand, and San Jose and certain intermediate communities on the other hand, namely, Burlingame, San Mateo (extended service), Redwood City, Palo Alto, Moffett Field, and San Jose.	)	
	)	
	)	Application
	)	No. 33332
	)	

Daniel J. Creedon for applicant  
Amando T. Mazzocchi dba Time Enterprises  
Edward M. Berol and Bertram S. Silver for  
applicant Fialer's Limousines, Inc.  
Douglas Brookman for Pacific Greyhound Lines,  
protestant in both applications.

O P I N I O N

Application was filed by Fialer's Limousines, Inc., on April 14, 1952, for authority to operate as a passenger stage corporation between San Francisco Municipal Airport (Mills Field) on the one hand and on the other hand Burlingame, San Mateo, Belmont, San Carlos, Redwood City, Menlo Park and Palo Alto. A somewhat similar application was filed on April 21, 1952, by applicant Amando T. Mazzocchi doing business as Time Enterprises. This latter application contemplated eventual service over a somewhat more extended area in that the southern terminal of operations was to be San Jose. However, the Mazzocchi request was merely for the issuance of an order to be granted under Section 1003 of the Public Utilities Code preliminary in nature declaring

that this Commission will issue a certificate of public convenience and necessity when said applicant secures a franchise to operate from the Public Utilities Commission of the City and County of San Francisco. By stipulation the proceedings under both applications were consolidated for hearing.

Public hearings were held in San Francisco before Examiner Rowe on November 10, 1952, and on January 15, and January 26, 1953. Oral and documentary evidence was adduced and on the latter date both matters were duly submitted for decision.

Applicant Fialer's Limousines, Inc., is operating as a passenger stage corporation between the cities of San Francisco and Oakland on the one hand and airports in San Mateo County and Alameda County on the other hand. The San Francisco Municipal Airport (Mills Field) involved in the present proceedings is located in San Mateo County. Including the transportation tax this applicant proposes a one-way fare between the Airport and either Burlingame or San Mateo of \$1.25, Belmont of \$1.50, San Carlos or Redwood City of \$2.00 and Palo Alto or Menlo Park of \$2.50.

The City and County of San Francisco through its Public Utilities Commission has entered into a contract with applicant Fialer's Limousines, Inc., which states that it is the intent of said Commission "to execute an exclusive agreement between the City and a single prime contractor for the operation of all . . . services within and from the San Francisco Airport to other points." This agreement further purports to grant to said company "the sole and exclusive privilege to conduct these services; providing said services shall originate in or about the Airport premises; said services to comprise:

- (1) Airline Motor Buses;
- (2) Metered Taxicabs;
- (3) Chauffeur-Driven Limousines."

Representatives of six of the principal airlines using the San Francisco Airport appeared and testified that the service proposed by applicant Fialer's Limousines, Inc., was required for

proper operation of their respective airline services. These witnesses generally favored this applicant because they had dealt with it in the present service to San Francisco. Two or three of these gentlemen expressed the opinion that there was some advantage in dealing with one passenger stage corporation to all points, although the uniform view was that any efficient stage specializing in serving airline passengers met the public need.

The owner and manager of a hotel in Palo Alto also testified that there was a public need for such service between that city and the airport. The manager of the principal hotel in San Mateo testified on behalf of each applicant. The operator of a travel agency in the latter hotel testified also as to such need but she expressed the opinion that the service of applicant Mazzocchi instituted for a short time without authority from this commission early in 1952 had not been satisfactory. The manager of a commercial hotel in San Jose appeared on behalf of applicant Mazzocchi. The Chamber of Commerce at San Mateo supported both applications, its witness stating that the Chamber takes no position between the two.

Applicant Fialer's Limousines, Inc., presented evidence sufficient to warrant a finding that it is experienced and amply equipped and financed to successfully operate its proposed service. On the other hand applicant Mazzocchi has inadequate means and would be required to borrow in order to acquire the required equipment. Although he refused to divulge fully the source, he claimed that others were willing to purchase stock in a corporation he contemplates forming before commencing operations which would make available an additional \$25,000. The exhibits which this applicant produced revealed a lack of understanding of the problems involved in his proposed venture. His estimates of revenue and expense appeared to be inaccurate and were not helpful. He stated that

while many of the figures in his exhibits were inaccurate he was confident that he would make the venture a success.

The Commission finds that public convenience and necessity require the institution of the service proposed by applicant Fialer's Limousines, Inc. On the contrary the Commission, from the evidence of record, is unable to find that public convenience and necessity require the institution of the service proposed by applicant Mazzocchi.

Protestant Greyhound does not now enter the airport grounds and indicated no intention of doing so in the future. Consequently, the Commission finds that so far as passengers going to or from the airport before or after airplane movement are concerned, protestant Greyhound is not rendering an adequate transportation service. The distance from Greyhound's regular stop on the Bayshore Highway is more than a reasonable walk for most airline passengers considering the fact that they have baggage to carry and are required to cross a busy thoroughfare when boarding or leaving buses on the west side of said highway. The proposed limousine service being more luxurious and specialized for carrying airline passengers can better meet their requirements than an over-the-highway service with numerous stops and carrying the general public such as is performed by Greyhound.

The Commission is satisfied and finds that the requirements of Section 1032 of the Public Utilities Code have been met in that protestant Pacific Greyhound Lines does not propose to enter the airport or otherwise modify its over-the-highway type of service which is satisfactory for that purpose.

Applicant Mazzocchi's sole request was for an order preliminary to the issuance of a certificate of public convenience and necessity as contemplated by Section 1003 of the Public Utilities Code. In the absence of any indication that a local permit or franchise is required the request raises a moot question. Treating Application No. 33332 as a request for the issuance to Mr. Mazzocchi

of a certificate of public convenience and necessity, the request should be denied. The Commission finds from the evidence herein that the public will receive a better service if operating rights are granted to applicant Fialer's Limousines, Inc. The fact that San Jose will not receive service from applicant Fialer's Limousines, Inc., should not be considered as determinative in favor of applicant Mazzocchi. The record indicates that an operation solely between Moffett Field and San Jose on the one hand and the airport on the other hand would not be feasible or remunerative.

O R D E R

Applications Nos. 33309 and 33332 having been filed, public hearings having been held, the matters having been duly submitted and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and is granted to applicant Fialer's Limousines, Inc., a California corporation, authorizing the establishment and operation of service as a passenger stage corporation as that term is defined in Section 226 of the Public Utilities Code for the transportation of passengers and their baggage between San Francisco Municipal Airport (Mills Field) on the one hand and on the other hand Burlingame, San Mateo, Belmont, San Carlos, Redwood City, Menlo Park and Palo Alto subject to the restriction that no passengers shall be carried unless they are destined to or their transportation originated at said Airport.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public applicant Fialer's Limousines, Inc., shall establish the service herein authorized, and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

- (c) Subject to the authority of this Commission to change or modify such at any time Fialer's Limousines, Inc., shall conduct said passenger stage operation over and along the following route:

Via United States Highway 101 By-pass from San Francisco Airport to the Millbrae Cutoff, thence via Millbrae Cutoff to Millbrae, thence via United States Highway 101 through Burlingame, San Mateo, Belmont, San Carlos, Redwood City, Menlo Park and Palo Alto.

Also along said United States Highway 101 By-pass to or between any of said points.

- (3) That Application No. 33332 be, and is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this  
17th day of February, 1953.

[Signature]  
PRESIDENT  
Justus F. C. [Signature]  
Harold P. [Signature]  
[Signature]  
[Signature]  
COMMISSIONERS