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Decision No. 83469

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Heinz W. Klee for certificate of
public convenience and necessity to
operate passenger service between
Terra Linda (San Rafael), California
and San Francisco International
Airport.

Application No. 54654
(Filed February 14, 1974)

Gordon W. Johnson, Jr. and Francis C. Yee,
Attorneys at Law, for applicant.
E. H. Griffiths, for William G. Melbern, dba
Airport Limousine Service; and Robert C.
Jennings, for Yellow Cab Co.; protestants.
R. E. Douglas, for the Commission staff.

O P I N I O N

Heinz W. Klee, an individual, requests a certificate of public convenience and necessity authorizing him to operate as a passenger stage corporation between the Holiday Inn located in that portion of San Rafael known as Terra Linda and the San Francisco International Airport.

Public hearing was held before Examiner O'Leary at San Rafael on April 8, May 28, and May 29, 1974. The matter was submitted on the latter date.

Mr. Klee testified that the application was filed because numerous travel agencies in the Terra Linda area informed him that there was no service available from Terra Linda to the airport and suggested the institution of the proposed service.

The application was protested by William G. Melbern, doing business as Airport Limousine Service (Melbern) and Yellow Cab Co. Melbern holds a certificate of public convenience and necessity authorizing him to operate as a passenger stage corporation between the points applied for in the instant proceeding.

Section 1032 of the Public Utilities Code provides:

"Every applicant for a certificate shall file in the office of the commission an application therefor in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. The commission may, after hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving such territory will not provide such service to the satisfaction of the commission." (Emphasis supplied.)

The first issue which must be resolved is whether or not Melbern is providing service between Terra Linda and San Francisco International Airport to the satisfaction of the Commission. The only evidence of record in this proceeding regarding possible unsatisfactory service by Melbern is the testimony of the general manager of the Holiday Inn, that on several occasions in the past six months appointments were made for transportation to the airport by people staying at Holiday Inn and no one showed up to transport them to the airport. The witness was not aware if the appointments were made with Melbern or another party. He did testify that the telephone numbers of Melbern and another party (Airport Transit) are posted at the switchboard of Holiday Inn. A travel agent testified

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that he once had a request for service to the airport on Sunday. In view of the findings hereinafter made it is not necessary to comment on the remainder of the evidence.

Findings

1. William G. Melbern, doing business as Airport Limousine Service holds a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between San Rafael (Terra Linda) and San Francisco International Airport.

2. The service provided by William G. Melbern has not been shown to be unsatisfactory.

The Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 54654 is denied.

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

Dated at Los Angeles, California, this 17th
day of SEPTEMBER, 1974.

Vernon L. Sturgeon
President
William G. Melbern
[Signature]
[Signature]
Commissioners