

ORIGINAL

Decision No. 85544

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 My Chauffeur, Inc. DBA My Chauffeur,
 My Chauffeur Limousine Service, for
 certificate of public convenience and
 necessity to operate passenger,
 baggage and property (Passenger Stage)
 service between (I) Hollywood-Burbank
 Airport and the following hotels
 (motels): Holiday Inn, Woodland Hills,
 The Valley Hilton, The Sheraton
 Universal, Beverly Garland's Howard
 Johnson. (II) Los Angeles International
 Airport and the Ramada Inn, Beverly
 Hills and the Beverly Hillcrest Hotel.

Application No. 54691
 (Petition filed
 January 17, 1975)

IN THE MATTER OF THE APPLICATION OF
 MY CHAUFFEUR, INC. DBA MY CHAUFFEUR, MY
 CHAUFFEUR-THE AIRPORT LIMOUSINE FOR THE
 CERTIFICATION OF PUBLIC CONVENIENCE AND
 NECESSITY TO OPERATE PASSENGER, BAGGAGE
 AND PROPERTY (PASSENGER STAGE) SERVICE
 BETWEEN (I) LOS ANGELES INTERNATIONAL
 AIRPORT AND THE FOLLOWING HOTELS
 (TERMINALS): HOLIDAY INN, WOODLAND HILLS,
 VAGABOND MOTOR HOTEL, WOODLAND HILLS,
 LINDYS RESTAURANT, TARZANA, CARRIAGE INN,
 VAN NUYS, BEL AIR SANDS, BEL AIR.
 (II) LOS ANGELES INTERNATIONAL AIRPORT
 AND THE FOLLOWING HOTELS (TERMINALS):
 VAGABOND MOTOR HOTEL, ROSEMEAD, HOLIDAY
 INN, MONTEBELLO, HYATT HOUSE, CITY OF
 COMMERCE HOLIDAY INN CONVENTION CENTER,
 LOS ANGELES HOLIDAY INN, LOS ANGELES.

Application No. 55304
 (Filed November 8, 1974)

Russell & Schureman, by Christopher Ashworth,
 Attorney at Law, for My Chauffeur, Inc.,
 applicant.

James H. Lyons, Attorney at Law, for
 Airporttransit, petitioner in A.54691 and
 protestant in A.55304.

John deBrauwere, for the Commission staff.

O P I N I O N

In Application No. 55304 applicant My Chauffeur, Inc., dba My Chauffeur, My Chauffeur-The Airport Limousine (My Chauffeur), requests a certificate to operate as a passenger stage corporation between the Los Angeles International Airport (LAX), on the one hand, and on the other, four hotels and a restaurant located in northwest Los Angeles (Route 1), and between LAX and four hotels and a convention center situated at and between Rosemead and the city of Los Angeles (Route 2). The application was protested by Airporttransit.

Application No. 54691 was decided by Decision No. 83238 dated August 6, 1974. That decision denied the application, which was a request by My Chauffeur for a certificate to operate as a passenger stage corporation between certain hotels and the Hollywood-Burbank Airport and between another hotel and LAX. The decision found that My Chauffeur was operating as a passenger stage corporation unlawfully without a certificate between, among others, the Carriage Inn in Van Nuys and the Valley Hilton in Sherman Oaks and LAX. The Carriage Inn is a listed stop on My Chauffeur's Route 1 in Application No. 55304. Decision No. 83238 ordered, in part:

- "2. Within five days after the effective date of this order the applicant shall cease all operations between fixed termini and over regular routes, including those operations mentioned in the above opinion.
- "3. Applicant shall not commence or reinstitute any passenger stage routes without first obtaining authority from this Commission."

On January 17, 1975 Airporttransit, which was a protestant in Application No. 54691, filed a pleading labeled "Petition for Order to Show Cause Why Applicant Should Not Be Held in Contempt of Commission's Order in D83238", alleging that My Chauffeur was continuing to operate as a passenger stage corporation between LAX and

at least one of the points prohibited by Decision No. 55304, and requesting that the Commission levy a fine against My Chauffeur. The issues raised by the petition were joined and the matter heard on a consolidated record with Application No. 55304 before Examiner Pilling in Los Angeles on May 8, 1975.

My Chauffeur possesses no certificate but holds a charter-party permit from the Commission. It operates three Checker radio-equipped vehicles, two of which hold 12 passengers each and one of which holds 8 passengers. For the two fiscal quarters ending February 25, 1975 My Chauffeur had a net loss from operations of \$13,617 and as of August 30, 1974 had a deficit net worth of \$7,000.

The Commission's records show that My Chauffeur's liability insurance covering its charter-party operations was cancelled in September 1975 and has not been reinstated. Also, an investigation of My Chauffeur's operations in January 1976 by a member of the Commission's staff, which is outlined in a memorandum dated January 7, 1976 to the Commission's Passenger Operations Branch Principal, reveals that the three vehicles with which My Chauffeur intended to perform the proposed operations had been repossessed in nonoperating condition, that My Chauffeur has filed a petition in bankruptcy, and that the attorney for My Chauffeur has requested in writing that he be relieved as counsel for My Chauffeur in the cases. By letter dated January 14, 1976, the attorney for petitioner in Application No. 54691 has requested that if Application No. 55304 is dismissed that his petition in the former case be dismissed without prejudice.

After consideration the Commission finds and concludes that My Chauffeur is unable to operate or accept any certificate and that Application No. 55304 should be dismissed. The Commission further finds that the request of petitioner in Application No. 54691 to dismiss the petition without prejudice conditioned on the dismissal of Application No. 55304 should be granted.

O R D E R

IT IS ORDERED that:

1. Application No. 55304 is dismissed.
2. The petition of Airporttransit in Application No. 54691 is dismissed without prejudice.

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

Dated at San Francisco, California, this 9th
day of MARCH, 1976.

William J. Quinn President
Vernon L. Stutzman
Alton
Robert A. ... Commissioners

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