

ORIGINAL

Decision No. 86120

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DANIEL F. STUART, doing business as
FLEETWOOD LIMOUSINE SERVICE,
for certificate of public convenience
and necessity to operate a Passenger
Stage (passenger and baggage) Service
between the San Diego International
Airport - Lindbergh Field, San Diego,
California, and the following
communities located in San Diego
County, California: Escondido; Vista;
Fallbrook; San Marcos; Lake San Marcos;
Penasquitos; Poway.

Application No. 56338
(Filed March 19, 1976)

Daniel F. Stuart, doing business as
Fleetwood Limousine Service, for
himself, applicant.
M. E. Beauregard, doing business as
Travel-All Transportation Company,
for himself, protestant.
Don Maynor, Attorney at Law, for the
City of Escondido, interested party.
John deBrauwere, for the Commission
staff.

O P I N I O N

Applicant requests a passenger stage corporation certificate to operate a 24-hour on-call service for the transportation of passengers and their baggage between San Diego International Airport (Lindbergh Field), San Diego, and the following communities located in San Diego County: Escondido, Vista, Fallbrook, San Marcos, Lake San Marcos, Penasquitos, and Poway. The application specifically excludes the community of Rancho Bernardo from the proposed service.

Public hearing was held before Examiner Arthur M. Mooney in La Mesa on May 18, 1976, on which date the matter was submitted.

Applicant holds a charter-party carrier of passengers permit and has operated Fleetwood Limousine Service under this authority for a year. His charter operations are primarily between Escondido and the vicinity thereof, on the one hand, and San Diego International Airport, on the other hand. He has a 1970, a 1971, and a 1972 Cadillac six-passenger limousine, a 1975 Dodge 14-passenger van, and a 1976 Pontiac nine-passenger station wagon. The equipment is serviced and maintained by the dealers from whom it was purchased. His terminal is in San Marcos. He has five drivers at present, and his son is his general manager. He also owns two insurance agencies which he has operated for a number of years. As of February 29, 1976, his business assets and liabilities were \$186,327 and \$13,200, respectively. He also has other personal assets.

Applicant testified as follows: He could serve the public need much better under the sought certificate than under his charter authority. There are a substantial number of retired people with fixed incomes in the area he seeks authority to serve. If the authority is granted, he could offer them rates on an individual fare basis for transportation to and from the airport which would be much less than his per vehicle charter fares. The one-way distances between the communities sought to be served and the airport are from 27 to 61 miles and the proposed one-way fares per passenger range from \$8 to \$16. The proposed fares are based on estimated costs of operations, and if the volume of business were sufficient to result in cost reductions, the fares would be reduced accordingly. In addition to his own telephones, he will have a 24-hour answering service for the business. The van and station wagon would be used to provide the bulk of the proposed service. He is in a financial position to add any additional equipment that may be needed. The insurance coverage on his vehicles complies with the Commission's requirements. There are

no other passenger stage corporations in the sought area that provide a similar service to that sought herein with the exception of Travel-All Transportation which serves Rancho Bernardo, and this point has been excluded from the sought certificate. He anticipates a continually growing public demand for the proposed service.

M. E. Beauregard made the following statement: He has operated Travel-All Transportation under charter authority in the sought area, among others, for approximately 15 years and also operates a certificated passenger service between Hotel Circle, Hotel La Costa, and Rancho Bernardo Inn, on the one hand, and San Diego International Airport, on the other hand. Mini-bus and other passenger services that are being offered by various cities in the area in issue have severely hurt his business. The individual fares proposed by applicant are less than his per car charter rates in this area and would have a further adverse effect on his business, and for this reason, he protests the proposed authority.

The staff representative pointed out that M. E. Beauregard provides a charter service only between the points applicant seeks authority to serve as a certificated passenger carrier; that the two types of service differ substantially; and that there are no apparent reasons for not granting the application. We agree with the staff. The proposed certificated service is designed for the passenger or passengers who wish to pay their fare on an individual basis and do not wish to hire a vehicle for their exclusive use which they would be required to do if they were to use a charter carrier.

Findings

1. Applicant has the ability, including financial ability, to provide the proposed service.
2. There are no other passenger stage corporations that provide substantially the same service as or compete directly with applicant between the points in issue.

3. There are substantial differences between certificated passenger bus service and charter-party carrier of passengers service.

4. Public convenience and necessity require the proposed service.

5. 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

The application should be granted as provided in the order which follows.

Daniel F. Stuart, doing business as Fleetwood Limousine Service, is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Daniel F. Stuart, doing business as Fleetwood Limousine Service, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.


2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

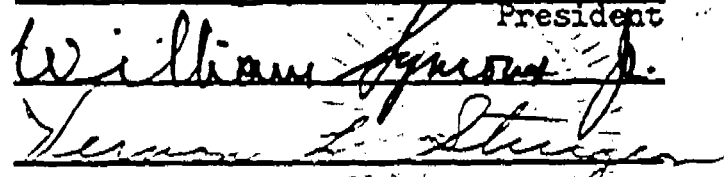
- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.

- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this
19th day of JULY, 1976.



President


Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Satinovich, being necessarily absent, did not participate in the disposition of this proceeding.

GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Daniel F. Stuart, doing business as Fleetwood Limousine Service, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport passengers and their baggage between San Diego International Airport - Lindbergh Field, in San Diego, on the one hand, and the communities of Escondido, Vista, Fallbrook, San Marcos, Lake San Marcos, Penasquitos, and Poway, located in the County of San Diego, on the other hand, over and along the most appropriate highways, roads, and streets, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provision:

Service shall be operated on an "on-call" basis. The term "on-call", as used herein, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.

Issued by California Public Utilities Commission.

Decision No. 86120, Application No. 56338.