

Decision 84 04 100

APR 18 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RONALD L. MILLER, an individual)
doing business as COUNTRY CLUB)
LIMOUSINES, for a certificate of)
public convenience and necessity)
to operate between the cities of)
La Quinta, Indian Wells, Palm)
Desert, Rancho Mirage, Cathedral)
City, Palm Springs and specific)
locations named in this applica-)
tion in the cities of Ontario,)
Anaheim, Newport Beach, Irvine,)
Long Beach and Los Angeles as a)
common carrier of passengers,)
baggage, and small packages.)

Application 83-09-15
(Filed September 6, 1983)

In the Matter of the Application)
of LUTHER R. MUNOZ dba STAGECOACH)
for certificate of public conven-)
ience and necessity to operate)
passenger service between Los)
Angeles International Airport,)
Ontario International Airport,)
Long Beach Municipal Airport,)
Orange County Airport, Burbank)
Airport and Palm Springs Inter-)
national Airport, passenger ship)
piers in San Pedro and Wilmington,)
and customers' homes in San)
Bernardino, Highland, Redlands,)
Loma Linda, Colton, Rialto, Grand)
Terrace, Mentone, Yucaipa, Cali-)
mesa, Beaumont, Banning, Cherry)
Valley, Hemet, Sun City, Riverside,)
Corona, Palm Springs, Indio,)
Cathedral City, Rancho Mirage,)
Palm Desert, Pomona, Ontario,)
Upland, and Fontana.)

Application 83-10-37
(Filed October 21, 1983)

Ronald L. Miller, for himself, applicant
in A.83-09-15.

Naomi Munoz, for applicant in A.83-10-37.

James H. Lyons, Attorney at Law, for Skyview
Limousine Service, Inc., protestant.

K. D. Walpert, for Department of Transportation,
City of Los Angeles; and James P. Jones,
for United Transportation Union; interested
parties.

O P I N I O N

APPLICATION (A.) 83-10-37

At the outset of these proceedings, the representative of Luther R. Munoz, dba Stagecoach, in A.83-10-37 requested that this application be withdrawn and the matter dismissed.

FINAL OPINION ON A.83-09-15

In Decision (D.) 83-01-025, issued January 5, 1984, an interim opinion, we granted a certificate of public convenience and necessity to Ronald L. Miller authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code Section 226, between the Cities of La Quinta, Indian Wells, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs, and specific locations in the Cities of Ontario, Anaheim, Newport Beach, Irvine, and Long Beach. Protestant Skyview Limousine Service, Inc. protested only that portion of the application requesting authority to use the Marriott Century Hotel near Los Angeles International Airport (LAX) as a terminal point.

Following notice to all parties, the protested portion of the application was scheduled for public hearing in Los Angeles on February 1, 1984. At the outset of the hearing, upon clarification by applicant that it was his intention to provide only one round-trip schedule per day between the Coachella Valley and the Marriott Century Hotel using a seven-passenger Cadillac limousine, protestant withdrew its protest.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service between the Cities of La Quinta, Indian Wells, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs, on the one hand, and the Marriott Century Hotel located in the vicinity of LAX.

2. Public convenience and necessity require the service proposed by applicant.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. Protestant to this specific portion of the application has withdrawn its protest.

5. Applicant in A.83-10-37 has requested that the application be withdrawn and the matter dismissed.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted to applicant, adding the Marriott Century Hotel near LAX in Los Angeles to the routes previously authorized in D.84-01-025 issued January 5, 1984. The interim order granted in D.84-01-025 should be made final.

2. A.83-10-37 should be dismissed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Application 83-10-37 is dismissed.
2. The certificate of public convenience and necessity previously granted to Ronald L. Miller, authorizing him to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1121, to transport persons, baggage, and express, is further amended by replacing Original Page 4 with First Revised Page 4 (attached).
3. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. State in his tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
 - d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
 - e. Maintain accounting records in conformity with the Uniform System of Accounts.

A.83-09-15, 83-10-37 ALJ/EA/ec *

4. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

5. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

6. The interim order issued in Decision 84-01-025, issued January 5, 1984, is made final and A.83-09-15 is granted. A.83-10-37 is dismissed.

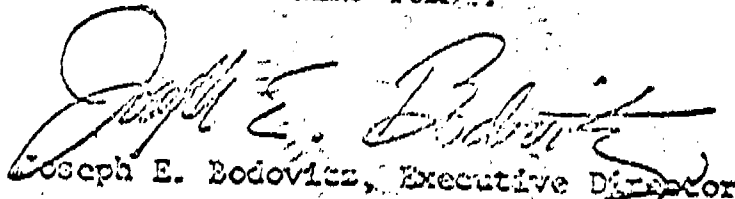
This order becomes effective 30 days from today.

Dated April 18, 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovick, Executive Director

SECTION 3. ROUTE DESCRIPTIONS (Continued)

Route 3

Service between the following points, on the one hand:

1. La Quinta Hotel, 49499 Eisenhower Dr., La Quinta
2. Erawan Garden Hotel, 76477 Highway 111, Indian Wells
3. Marriott Hotel, 41000 Bob Hope Dr., Rancho Mirage
4. Gene Autry Hotel, 4200 E. Palm Canyon Dr., Palm Springs

and the following points, on the other hand:

5. Ontario International Airport
6. Marriott Hotel, 700 W. Convention Way, Anaheim
7. Marriott Hotel, 18000 Von Karman, Irvine
8. Rochelle's Hotel, 3333 Lakewood Blvd., Long Beach
- #9. Marriott Hotel, 5855 West Century Blvd., Los Angeles

Issued by California Public Utilities Commission.

#Added by Decision 84 04 100, Application 83-09-15.

4. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

5. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

6. The interim order issued in Decision 84-01-025, issued January 5, 1984, is made final.

This order becomes effective 30 days from today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners