

Decision 84 07 057

JUL 5 1984

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Frank Histo, of Daly City, California,) )  
 dba Comet Delivery Express, for )  
 authority to operate as a passenger )  
 stage between points of Santa Cruz )  
 County and San Francisco International) )  
 Airport. )

Application 84-04-141  
 (Filed April 27, 1984)

O P I N I O NStatement of Facts

By this application Frank Histo, an individual doing business as Comet Delivery Express, seeks a certificate of public convenience and necessity to initiate and operate a passenger stage service between Watsonville, California, and the San Francisco International Airport. Copies of his application were served on the various companies known to be offering passenger stage service in the proposed areas involved as well as upon the counties and cities involved. Notice was also provided of the filing of the application by its listing in the Commission's May 4, 1984 Daily Transportation Calendar. No protests have been received. Accordingly, the matter will be handled ex parte.

Applicant currently operates a lost and found luggage service in the same area under color of a Highway Contract Carrier Permit, No. Cal. T-139,724 authorized by Commission Resolution 18030 issued December 22, 1982. His principal place of business is at 620 Midway Avenue, Daly City. He has available for the proposed service one air-conditioned 15-passenger 1984 Ford van. He presented evidence from an insurance broker that liability insurance as required by Commission General Order No. 101-C will be obtained through National Fire and Marine Insurance. As of April 25, 1984 applicant assertedly had a net worth of \$33,952 on total assets of \$164,720.

Applicant seeks authorization to provide a specialized service, unique and distinctive from those offered currently to the public in the proposed area in that his service will be designed and limited to providing transportation to and from the Elk's Lodge, corner of East Lake Avenue and Martinelli Street in Watsonville, to connect with Mexicana Airlines' outgoing 12:50 a.m. Flight 145 and incoming 12:55 a.m. Flight 144 at the San Francisco International Airport. At present some passengers on these flights have no means of public transportation at those hours, and therefore are constrained to stay at the airport until hours when public transportation operates. He proposes a one-way fare of \$15 per person with service limited to passengers to and from the airport and Watsonville between the hours of 8:00 p.m. and 3:00 a.m., on a 7-day a week basis. Applicant substantiated the need for such a specialized service by providing supportive letters from a baggage service and claims supervisor of Mexicana Airlines, and the owner/manager of Greene Travel Service in Watsonville (the latter specializing in arranging passage for travellers from the Pajaro Valley for Mexicana's flights).

#### Discussion

From his operation of a lost and found service in the same area, applicant has become familiar with the particular requirements of a class of passengers oriented to the Watsonville area. He has discovered a need for a particular passenger stage service that is not presently being met, and proposes to meet that unfilled need with this service. A reasonable expectation of success appears probable from the support indicated by the airline and a travel agency in the area, both of which are closely associated in meeting the needs of his indicated passenger clientele. The fare he proposes appears reasonable for the service to be provided. The proposed service will substantially convenience passengers without private transportation who otherwise are compelled to sit around the terminal waiting for public transportation operated only during more conventional hours.

But it would also attract passengers who otherwise would take private transportation, thereby eliminating some of these private vehicles from the streets and highways, reducing air pollution and conserving petroleum. Applicant appears to have the financial resources to operate as proposed. From consideration of these facts we conclude that public convenience and necessity require that applicant be authorized to provide the requested passenger stage operation.

Findings of Fact

1. Applicant proposes to operate a passenger stage corporation operation between Watsonville and the San Francisco International Airport between 8:00 p.m. and 3:00 a.m., seven days a week.

2. Applicant's proposed service will meet an evident but unfilled need for off-hour service for passengers from and to the Watsonville area who use Mexicana Airlines.

3. Applicant possesses experience, the necessary equipment, and the financial resources to provide the proposed service.

4. The proposed fares are reasonable.

5. With reasonable certainty the project will not have a significant effect on the environment.

6. Public convenience and necessity justify issuance of a certificate authorizing passenger stage operations between the points described in this decision.

7. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted as set forth in the ensuing order.

2. There is a present need for the proposed service and the following order should be effective today.

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. A certificate of public convenience and necessity is granted to Frank Histo, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-1346, to transport persons and baggage.

2. 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.

3. Prior to initiating service to any airport, applicant shall notify the airport authority involved. 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.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that it 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.

5. The application is granted as set forth above.

This order is effective today.

Dated JUL 5 1984, at San Francisco, California..

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

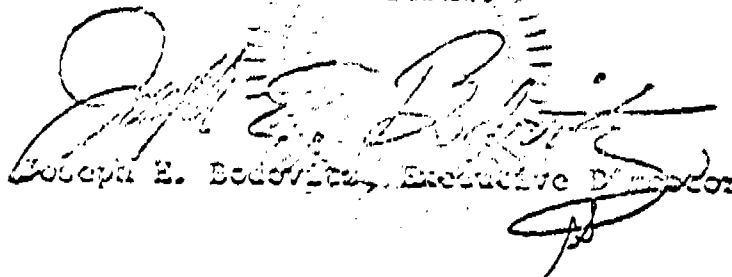
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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

  
Joseph E. Bodovitz, Executive Director

T/bcy

Appendix PSC-1346

FRANK HISTO

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-1346

Showing passenger stage operative rights, restrictions,  
limitations, exceptions and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Issued under authority of Decision S4 C7 057, dated  
JUL 5 1984, of the Public Utilities Commission of  
the State of California, in Application 84-04-141.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS  
AND SPECIFICATIONS.

Frank Histo, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and baggage between Watsonville and San Francisco International Airport (SFO) over the routes hereinafter described, subject, however, to the authority of this Commission to change or modify these routes at any time and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either directions, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- b. When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.
- c. Service is on a regularly scheduled seven-day per week basis.
- d. Only passengers originating at or destined to San Francisco International Airport (SFO) will be transported.
- e. Applicant shall not pickup or discharge passengers except at the service points as specified in the route descriptions.

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SECTION II. ROUTE DESCRIPTION.

Route 1. Watsonville/San Francisco International Airport

Commencing at the intersection of East Lake Avenue and Martinelli Street (Elk's Lodge) (service point) in Watsonville, then via the most direct and convenient streets and highways in Watsonville to U.S. Highway 1, then via U.S. Highway 1 to State Highway 17, then via Highway 17 to U.S. Highway 101, then via Highway 101 to San Francisco International Airport (service point).

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