

ALJ/emk/ra

ORIGINAL

Decision 84 07 092

JUL 5 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Robert O. Patterson, d/b/a)
EMPIRE AIRPORT TRANSIT, for)
certificate of public convenience)
and necessity to operate passenger)
and baggage service as a Passenger)
Stage Corporation for the trans-)
portation of Airport Passengers)
between points in San Bernardino)
County and the Ontario International)
Airport.)

Application 84-05-053
(Filed May 14, 1984;
amended June 21, 1984)

O P I N I O N

Robert O. Patterson, doing business as Empire Airport Transit, has applied for a certificate of public convenience and necessity under Public Utilities (PU) Code Section 1031, et seq., to operate as a passenger stage corporation as defined in PU Code Section 226 to transport passengers and baggage between a terminal at the La Quinta Motor Inn located at 205 East Hospitality Lane, San Bernardino, and Ontario International Airport (ONT) and return along Interstate 10 (I-10) (the San Bernardino Freeway).

No other Commission operating authority has been held by applicant.

Applicant proposes to use three 12-passenger Dodge vans (including the driver) to provide daily, except Sunday, round-trip service. Initially applicant proposes to establish 12 round trips per day between 6:00 a.m. and 7:10 p.m. Applicant

proposes a \$9 one-way fare. Applicant states that no public transportation of the type he proposes to offer is presently available; the proposed service will be scheduled to efficiently mesh with scheduled flight departures and arrivals at ONT; and the operation of his service would reduce airport congestion by displacing private vehicles, which in turn would reduce smog emissions and conserve energy.

Applicant states that as of April 23, 1984 his total assets were \$158,079; his net assets were \$109,684. Applicant estimates that his passenger stage investment in property and equipment will total \$52,500 consisting of \$45,000 in vehicles, \$6,000 for office and radio equipment, and \$1,500 for furniture and fixtures. Applicant proposes to fund his operations with equity funding of approximately \$25,500 and long-term borrowings.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of May 21, 1984. In the application applicant stated his San Bernardino terminal would be located within a one-mile radius of the intersection of Waterman Avenue and I-10. The amendment specifies the location of the San Bernardino terminal within the area defined in the application. It is a clarification. Therefore, the protest period is not extended by the filing of the amendment. No protests have been received on the original filing.

Findings of Fact

1. Applicant requests a certificate of public convenience and necessity to operate a passenger stage corporation between a terminal at 205 East Hospitality Lane, San Bernardino, and ONT.

2. Applicant possesses the financial resources and the ability to operate the proposed service.

3. Applicant will provide a needed airport shuttle service between the City of San Bernardino and ONT.

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

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.

6. The rates proposed are reasonable.

Conclusions of Law

1. Applicant has demonstrated public convenience and necessity for establishing the proposed service.

2. The clarifying amendment to the application does not change the scope of the proposed service. The protest period is not extended by the filing of the amendment.

3. The effective date of this order should be the date of signature in order that applicant may begin operations of a needed service as soon as possible.

4. A public hearing is not necessary.

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 Robert O. Patterson, 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-1343, 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.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code Section 403 when notified by mail to do so.

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 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.

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

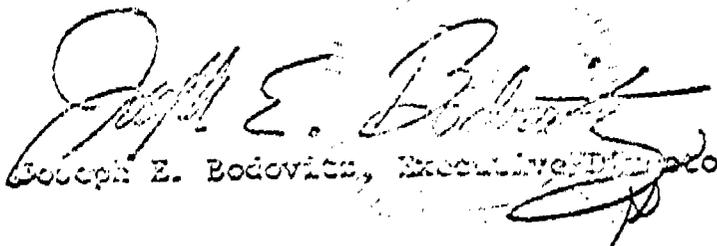
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitch, Executive Director

T/ri/bg

Appendix PSC-1343

ROBERT O. PATTERSON

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1343

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

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.

Issued under authority of Decision 84 07 092, dated
JUL 5 1984, of the Public Utilities Commission of the
State of California in Application 84-05-053.

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

Robert O. Patterson, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between La Quinta Motor Inn, San Bernardino, and Ontario International Airport (ONT), over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either direction, 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. No passengers shall be transported except those having point of origin or destination at ONT.
- d. All service authorized shall be provided in vehicles with seating capacity not to exceed 15 passengers, including driver.
- e. 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.

Issued by California Public Utilities Commission.

Decision 84 07 092, Application 84-05-053.

SECTION 2. ROUTE DESCRIPTION.

ONT - SAN BERNARDINO

Commencing at Ontario International Airport (ONT)
and highways, to the following service location:

La Quinta Motor Inn
205 E. Hospitality Lane
San Bernardino, CA.

Issued by California Public Utilities Commission.

Decision 84 07 092, Application 84-05-053.

3. Applicant will provide a needed airport shuttle service between the City of San Bernardino and ONT.

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

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.

6. The rates proposed are reasonable.

Conclusions of Law

1. Applicant has demonstrated public convenience and necessity for establishing the proposed service.

2. The clarifying amendment to the application does not change the scope of the proposed service. The protest period is not extended by the filing of the amendment.

3. The effective date of this order should be the date of signature in order that applicant may begin operations of a needed service as soon as possible.

4. A public hearing is not necessary.

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 Robert O. Patterson, authorizing him to operate as a passenger stage corporation, as defendant in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1343, to transport persons and baggage. ✓

2. Applicant shall:

a. File a written acceptance of this certificate within 30 days after this order is effective.