

Decision 84 OS 078**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Ell Dean Evenson, doing business as  
 Touch of D'Elegance, for a Class B  
 charter bus certificate from home  
 terminal in San Jose, California.

Application 84-06-092  
 (Filed June 27, 1984)

O P I N I O N

Ell Dean Evenson, an individual, doing business as Touch of D'Elegance, has applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers (Public Utilities (PU) Code §§ 5371 to 5375).

Applicant states that he has not been previously issued operating authority by this Commission.

Applicant states that currently he is a chauffeur for a local company.

Applicant states that he intends to perform a limousine service. Applicant alleges that the Silicon Valley needs a lot of this type of service, and that the three major business companies are waiting for his service to start.

Applicant's total assets are \$28,000; \$20,000 of this is attributed to applicant's limousine. It is projected that the typical year's revenue mileage will be 30,000 miles producing a revenue of \$196,000.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of July 2, 1984. No protests have been received.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.

3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 2359 Woodland Avenue, San Jose.

4. No protest has been received and a public hearing is not necessary.

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.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.

2. This order should become effective immediately as public convenience and necessity have been demonstrated.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Ell Dean Evenson authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 2359 Woodland Avenue, San Jose.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

- d. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. 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.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

7. The application is granted as set forth above.

This order is effective today.

Dated     AUG 1 1984    , at San Francisco, California.

Commissioner Priscilla C. Crow,  
being necessarily absent, did  
not participate

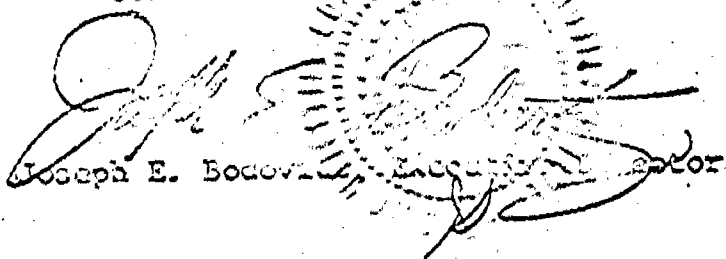
Commissioner William T. Bagley  
being necessarily absent, did  
not participate.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
DONALD VIAL

Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED AS SET FORTH ABOVE  
COMMISSIONERS' MEETING.

  
Joseph E. Bodovick, Executive Director