

Decision 84 08 082

AUG 1 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Graham Robertson and Judy Brissey, for certificate of public convenience and necessity to operate passenger stage and baggage service between San Mateo County; Santa Clara County; and points to and from San Francisco International and San Jose Municipal Airports.

Application 84-04-069
(Filed April 13, 1984)

McDonald and Hoffman, by Gregory McDonald,
Attorney at Law, for applicants.
Richard H. Brozosky, for the Commission
staff.

O P I N I O N

Graham Robertson and Judy Brissey (applicants), doing business as Nor-Cal Limousine Service, request a certificate of public convenience and necessity to operate as a passenger stage corporation between all points and places in San Mateo and Santa Clara Counties, on the one hand, and San Francisco International and San Jose Municipal Airports, on the other hand.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of April 20, 1984. No protests were received; however, the Commission staff in its Advice of Participation dated June 4, 1984, informed the Commission that Robertson and others were the subject of a preliminary injunction issued by the Superior Court in San Mateo County on December 16, 1983, prohibiting them from performing transportation of passengers on an individual fare basis. Staff requested that the application be set for public hearing to determine whether applicants are proper persons to receive the sought authority. A duly noticed public hearing was held in San Francisco on July 2, 1984 before Administrative Law Judge (ALJ) John Lemke and the matter was submitted upon the receipt of Late-filed Exhibit 3 by July 9, 1984.

Evidence adduced through testimony of applicants or contained in their application sets forth generally as follows:

1. Applicants intend to offer a personalized 24-hour airport limousine service, working primarily with travel agents, in which they will meet patrons at individual airline gates, assist in securing baggage and, as a rule transport no more than three or four passengers in a single vehicle at one time.
2. Applicants presently operate under a charter-party permit.
3. Graham Robertson has been a vehicle driver/owner for another passenger stage corporation providing airport limousine service.
4. Judy Brissey has worked for approximately 10 years for airport limousine passenger carriers as bookkeeper and reservationist.
5. Seven limousines will be operated in the proposed service, all owned or leased by applicants.
6. A balance sheet showing applicants' financial position as of March 6, 1984 indicates total assets of \$86,155 and liabilities of \$9,000.

Witnesses from two travel agencies testified on behalf of applicants, stating that applicants' service in the past has been better than that provided by other airport limousine services.

A staff investigator testified that he has determined from an analysis of applicants' operations that they have operated as a passenger stage corporation without having been issued a certificate of public convenience and necessity as required by Public Utilities (PU) Code § 1031. Applicants admitted to this violation, and stated they have filed the instant application to legitimize the portion of their operations which require the requested certificate.

Staff does not oppose issuing the certificate but recommends that if the authority is granted, applicants be admonished concerning operations performed prior to obtaining requisite authority.

The preliminary injunction, issued December 16, 1983 by the Superior Court in San Mateo County in Case 280350, orders Robertson, interalia, to cease and desist from operations without having the proper authority from this Commission. Robertson testified that he has never been served with a copy of the preliminary injunction.

We will grant the authority requested but will place applicants on notice that future unlawful operations will be dealt with severely. Applicants have indicated they may wish to expand their operations in the future by serving Oakland International Airport and other counties. They should exercise particular care to ensure that they do not exceed the scope of authority granted by this decision.

Findings of Fact

1. Applicants presently perform operations as a charter-party carrier.
2. Applicants have the ability and financial resources to perform the described service.
3. Applicants have shown that there is a public need and demand for their service.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
5. The application is unopposed.

Conclusions of Law

1. The application should be granted.
2. There is a present need for the service described 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 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 Graham Robertson and Judy Brissey (applicants), authorizing them 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-1361, to transport persons and baggage.

2. Applicants 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 their 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 § 403 when notified by mail to do so.

3. Prior to initiating service to any airport, applicants shall notify the airport authority involved. This certificate does not authorize the holders 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. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to them that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of their vehicles for service.

5. The application is granted as set forth above.

This order is effective today.

Dated AUG 1 1984 , at San Francisco, California.

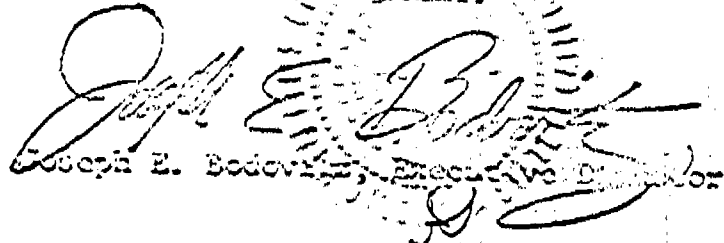
Commissioner Priscilla C. Gray,
being necessarily absent, did
not participate

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 BY THE ABOVE
COMMISSIONERS.


Joseph E. Bodovick, Executive Director

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Appendix PSC-1361 GRAHAM ROBERTSON AND JUDY BRISSEY Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

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 GS 082, dated AUG 1 1984,
of the Public Utilities Commission of the State of California in
Application 84-04-069.

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Issued by California Public Utilities Commission.

Decision 84 CS 082, Application 84-04-069.

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

Graham Robertson and Judy Brissey, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers and baggage between all points in San Mateo and Santa Clara Counties, on the one hand, and San Francisco International Airport (SFO) and San Jose Municipal Airport (SJC), on the other hand, 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 SFO or SJC.
- d. 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.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - SFO

Commencing at SFO then over and along the most convenient streets and highways to the areas listed in Section 3.

Route 2 - SJC

Commencing at SJC then over and along the most convenient streets and highways to the areas listed in Section 3.

SECTION 3. AUTHORIZED SERVICE AREAS.

1. All points in San Mateo County.
2. All points in Santa Clara County.

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