

ALJ/ec

TK-14

Decision 84 C9 C45

SEP 6 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Tours Are Us, Inc., for authority)
to operate as a passenger stage)
corporation between points in)
Contra Costa County and Oakland)
International Airport, and)
San Francisco International)
Airport.)

Application 84-06-023
(Filed June 8, 1984)

Roni Rotholz, Attorney at Law, for
Tours Are Us, Inc., applicant.
Ronald Jay Mayeri, for himself, protestant.

O P I N I O N

Tours Are Us, Inc., a California corporation, requests a certificate of public convenience and necessity under Sections 1031 et seq. of the California Public Utilities Code to operate as a passenger stage corporation between points in central Contra Costa County, Oakland International Airport, and San Francisco International Airport.

The application was protested by Ronald Jay Mayeri, doing business as AM/PM Airporter, who was granted authority to provide airport service from Alameda and Contra Costa counties in April, 1984 (PSC-1234).

A duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in San Francisco on August 3, 1984, and the matter was submitted for decision. Douglas Taylor and Robert Sabella, applicant's manager and owner,

respectively, testified, and Susan Jackson, Charles W. Hernandez, and Laura Vaughan appeared as witnesses favoring the application on behalf of their employers, Holiday Inn and Concord Inn. Robert Jay Mayeri testified as protestant.

Applicant's evidence establishes that it owns five 1983 and 1984 vans and station wagons equipped with radios and has assets of \$100,000 and liabilities of \$44,500 as of July 25, 1984. It projects monthly revenues from airport service of \$14,500, and its total monthly expenses, including costs of its presently authorized charter operations, are \$10,535.

Prior to entering the transportation business, Robert Sabella served as rental vehicles manager for a major Chrysler dealership in Contra Costa County and is well known in the business community there. In preparation for hearing, applicant obtained letters of support from the Office of the Contra Costa District Attorney, Concord Chamber of Commerce, Concord Convention and Visitors Bureau, Sheraton Hotel and Conference Center, Concord Hilton, Rossmoor Walnut Creek, E-2-8 Motel, Walnut Creek Inn, Montgomery Ward, and Dow Chemical, U.S.A.

In late 1983 and into 1984, applicant was unlawfully performing the service for which it now seeks certification. Protestant received Commission assistance in requiring Tours Are Us, Inc. to confine itself to its charter and round-trip tour business. However, those who utilized applicant's unauthorized airport service found it to be reliable and courteous; they urge that we certify it.

Protestant testified that he and his partner have two vans and commenced on-call airport service in July. They have transported about 30 people to the airports in their first month of operation, mainly from Berkeley hotels. Witnesses from the Concord Inn and Holiday Inn did not know of protestant's service.

Contra Costa County's business community is rapidly expanding. Applicant has demonstrated a clear need for its proposed airport service.

Findings of Fact

1. There is a need for additional on-call airport service from and to central Contra Costa County.
2. Applicant has the ability and financial resources to perform the proposed service.
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.

Conclusion of Law

The application should be granted as set forth in the order. Since there is a present need for the proposed service, the order should become effective on the date it is signed.

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 Tours Are Us, Inc., a corporation, authorizing it 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-1365, 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 its 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, 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 SEP 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

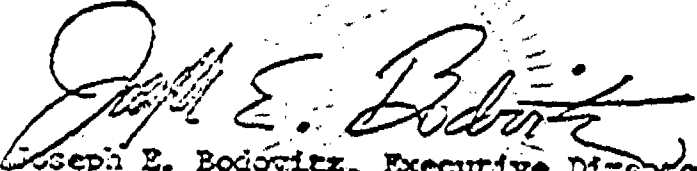
PRISCILLA C. GREW

DONALD VEAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1365

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 84-09-045, dated September 6, 1984,
of the Public Utilities Commission of the State of California, in
Application 84-06-023.

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

Tours Are Us, Inc., 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 on an on-call basis between points in Central Contra Costa County, on the one hand, and San Francisco International Airport (SFO), and Oakland International Airport (OAK), on the other hand, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify these routes at any time and subject to the following provisions:

- a. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- b. 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.
- c. When route descriptions are given in one direction, they apply to operation in either direction, unless otherwise indicated.
- d. Service is on-call, and on a seven-day per week basis.
- e. Only passengers originating at or destined to San Francisco International Airport, or Oakland International Airport will be transported.

Issued by California Public Utilities Commission.

Decision 84-09-045, Application 84-06-023. ✓

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Appendix PSC-1365

TOURS ARE US, INC.

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SECTION II. SERVICE AREA.

Service shall be provided in an area bordered North by Solano-Contra Costa County line, South by Highway 580, East by an imaginary Northerly, Southerly line drawn at Antioch Bridge, West by an imaginary Northerly, Southerly line drawn at the Caldecott Tunnel.

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SECTION III. ROUTE DESCRIPTIONS.

Route 1. Between Service Area and Oakland International Airport

After passenger is picked up at various points within the service area, by primary arteries, mostly: Willow Pass Road (Concord), Treat Blvd. (Concord), Ygnacio Valley Road (Walnut Creek), Danville Blvd. (San Ramon Valley) unto Highways 680 and 24 through the Caldecott Tunnel onto the Warren Freeway (Highway 13), then to the Edwards Ave. exit to the Oakland International Airport.

Route 2. Between Service Area and San Francisco International Airport.

After passenger is picked up at various points within the service area, by primary arteries, mostly: Willow Pass Road (Concord), Treat Blvd. (Concord), Ygnacio Valley Road (Walnut Creek), Danville Blvd. (San Ramon Valley) unto Highways 680 and 24 through the Caldecott Tunnel to the Bay Bridge Exit, over the bridge, then to Highway 101 south to San Francisco International Airport.

Issued by California Public Utilities Commission.

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