

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of William G. Murphy and Gayle M. Murphy, doing business as Door-To-Door Airporter for certificate of public convenience and necessity to operate a passenger, and baggage incidental to the transportation of passengers, stage service between Sonoma County and San Francisco International Airport.

Application 84-06-051
(Filed June 15, 1984;
amended August 9, 1984)

O P I N I O N

William G. Murphy and Gayle M. Murphy (applicants), doing business as Door-To-Door Airporter, request a certificate of public convenience and necessity to operate two Volkswagen Vanagon station wagons as a passenger stage corporation between an area in southern Sonoma County and San Francisco International Airport on a reservation-only basis. Applicants concede that there are passenger stage services which provide airport shuttle service from nearby points on a scheduled basis. It is alleged that applicants' on-call service will serve additional cities, and intermediate points.

Notice of the application appeared in the Commission's Daily Transportation Calendar of June 20, 1984. A protest by Sonoma Airporter, Inc. (protestant) was filed July 19, 1984. It claimed that Sonoma Airporter, Inc. (PSC-1146), Santa Rosa Airporter (PSC-971), and Sonoma County Airport Express (PSC-1120) adequately serve the territory in question. It is claimed that protestant would be adversely affected by the institution of service by another airporter. Protestant noted that the application has not alleged any need for the service nor provided any supporting documentation to

support such an allegation. It claimed that applicants have not shown that a two-vehicle carrier can provide adequate service. The protest also alleged that applicants do not have the financial capacity to conduct the transportation for any prolonged period of time. Moreover, it is alleged that applicants have not demonstrated any experience or fitness to conduct a transportation service. Finally, it is alleged that applicants have not shown that the proposed operation is required by public convenience and necessity.

On August 9, 1984, applicants reduced their proposed service territory. On August 16, 1984, Sonoma Airporter, Inc. by letter withdrew its protest in consideration of the proposed reduction in service. Applicant can apply for an enlarged service territory at a later date upon showing that public convenience and necessity require it.

This application is now unprotested. We conclude that the public convenience and necessity require an additional airporter in the territory in question. Applicants have by letter (Exhibit 1) provided additional evidence on fitness questions.

Since applicants no longer propose to serve in protestant's territory, there is no longer a requirement under Public Utilities Code Section 1032 to determine whether or not protestant will provide a service to the satisfaction of the Commission. Santa Rosa Airporter, and Sonoma County Airport Express have service territories that overlap applicants' proposed territory. They have not protested the application and we find the presence of an additional carrier should provide increased travel options to the public and that authorization of that service is in the public interest.

Findings of Fact

1. Applicants have the equipment, experience, and financial resources to conduct a passenger stage service to the Commission's satisfaction.
2. Public convenience and necessity require the institution of another airporter service.

Conclusion of Law

The application as amended should be granted.

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 William G. Murphy and Gayle M. Murphy, authorizing them to operate as a passenger stage, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-1368, 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 applicants that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicants' vehicles for service.

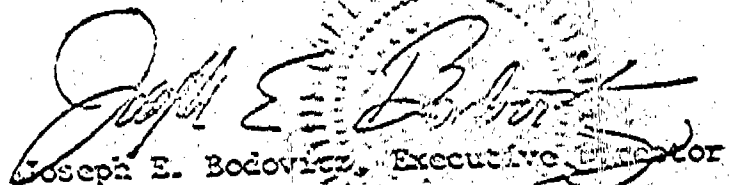
5. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated NOV 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

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Appendix PSC-1368 WILLIAM G. MURPHY & GAYLE M. MURPHY 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 S4 11 070, dated NOV 7 1984,
of the Public Utilities Commission of the State of California,
in Application 84-06-051.

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

William G. Murphy and Gayle M. Murphy, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized as a passenger stage corporation to operate between points in Sonoma County, on the one hand, and San Francisco International Airport, on the other hand, over and along the route described below, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. Service will be rendered on a reservation basis ("on-call"). Carrier's tariffs and timetables shall state the conditions under which this service is provided.
- b. Service shall be limited to passengers who have as either a point of origin or destination the San Francisco International Airport.
- c. 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.
- d. Where route descriptions are given in one direction they apply to operation in either direction unless otherwise indicated.

Issued by California Public Utilities Commission.

Decision 84 11 070, Application 84-06-051.

SECTION 2. ROUTE DESCRIPTION

Route 1. Southern Sonoma County - San Francisco International Airport

Passengers may be picked up within a service territory located in southern Sonoma County with the following boundary:

Beginning at the intersection of the Sonoma/Marin County line with Valley Ford Franklin School Road, following Valley Ford Franklin School Road to Valley Ford, then following Valley Ford Freestone Road to the intersection with Bodega Highway, then following Bodega Highway to the intersection with Bohemian Highway, then following Bohemian Highway to the intersection with Graton Road, then following Graton Road to the intersection with State Highway 116, then following Highway 116 to the intersection with Guerneville Road, then following Guerneville Road to the intersection with Vine Hill Road, then following Vine Hill Road to the intersection with Laguna Road, then following Laguna Road to the intersection with River Road, then following River Road to the intersection with Mark West Springs Road, then following Mark West Springs Road to the intersection with Riebli Road, then following Riebli Road to the intersection with Wallace Road, then following Wallace Road to the intersection with Badger Road, then following Badger Road to the intersection with Baird Road, then following Baird Road to the intersection with Harville Road, then following Harville Road to the intersection with Calistoga Road, then following Calistoga Road to the intersection with St. Helena Road, then following St. Helena Road to the intersection with the Sonoma/Napa County Line, then following the county line to the point on the county line closest to the origin of Santa Rosa Creek, then to the origin of Santa Rosa Creek by straight line, then following Santa Rosa Creek to the intersection with State Highway 12, then by straight line to the peak of Bennett Mountain in Annadel State Park, then by straight line through the intersection of State Highways 121 and 37 to the Sonoma/Marin County Line,

Then following the County Line to the point of origin and then transported via the most appropriate streets and highways to the passenger terminals at San Francisco International Airport.

Issued by California Public Utilities Commission.

Decision 84 11 070, Application 84-06-051.

support such an allegation. It claimed that applicants have not shown that a two-vehicle carrier can provide adequate service. The protest also alleged that applicants do not have the financial capacity to conduct the transportation for any prolonged period of time. Moreover, it is alleged that applicants have not demonstrated any experience or fitness to conduct a transportation service. Finally, it is alleged that applicants have not shown that the proposed operation is required by public convenience and necessity.

On August 9, 1984, applicants reduced their proposed service territory. On August 16, 1984, Sonoma Airporter, Inc. by letter withdrew its protest in consideration of the proposed reduction in service.

This application is now unopposed. That fact supports our conclusion that the public convenience and necessity require an additional airporter in the territory in question. Applicants have by letter (Exhibit 1) provided additional evidence on fitness questions.

Since applicants no longer propose to serve in protestant's territory, there is no longer a requirement under Public Utilities Code Section 1032 to determine whether or not protestant will provide a service to the satisfaction of the Commission. Santa Rosa Airporter, and Sonoma County Airport Express have service territories that overlap applicants' proposed territory. They have not protested the application and we find the presence of an additional carrier should provide increased travel options to the public and that authorization of that service is in the public interest.

Findings of Fact

1. Applicants have the equipment, experience, and financial resources to conduct a passenger stage service to the Commission's satisfaction.
2. Public convenience and necessity require the institution of another airporter service.