

T/AK/amb

Decision 88 01 032 JAN 28 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
TRAVIS EXPRESS, INC. to establish)
a Zone Of Rate Freedom of plus or)
minus 7.5 percent (92.5% to 107.5%))
pursuant to the provisions of)
Section 454.2 of the Public)
Utilities Code.)

Application 86-08-032
(Filed August 20, 1986)

ORDER OF DISMISSAL

Travis Express, Inc. (applicant), having its principal place of business at Terminal Building P-3, Travis Air Force Base, California 94535, is a passenger stage corporation (PSC - 1381) engaged in the transportation of passengers between Travis Air Force Base, on the one hand, and San Francisco International Airport (SFO) and Oakland International Airport (OAK), on the other hand.

Applicant wishes to establish a Zone of Rate Freedom of plus or minus 7.5% (92.5% to 107.5% of its currently authorized fares).

Applicant is proposing a new concept in passenger ZORFS whereby the sought "plus or minus 7.5%" shall reapply itself automatically on January 1 of each year to whatever authorized fare Travis Express is charging at that time. Applicant's attorney agreed to supply a detailed explanation of this resetting feature in an amendment to Application (A.) 86-08-032, but has never filed it in spite of reminders from the staff.

A.86-08-032 T/AK/amb

At the time when this application was filed, the Commission had under consideration another application, A.86-06-054, in which applicant applied for additional authority to serve from Solano County to SFO, OAK and Sacramento Airports (SMF). A.86-08-032 sought to apply the proposed ZORF (7.5%) to the additional authority sought in A.86-06-054, as well as to its existing authority.

At that time, the staff concluded that the necessity for granting such a relief, as required by Rule 15(d) of the Commission's Rules of Practice and Procedures, had not been provided and could not be applied to a service not yet established.

In November 1986 the staff had discussions with applicant's attorney, who requested that A.86-08-032 be put "on hold" to give him an opportunity to prepare a major amendment. However, applicant never filed an amendment to A.86-08-032.

In May 1987 the staff suggested that applicant withdraw A.86-08-032 and refile after the Commission decided A.86-06-054, but applicant rejected the staff's suggestion and requested that the application be put on hold for more time so that its attorney could prepare the desired amendment. On July 8, 1987 the Commission granted A.86-06-054 in Decision 87-97-030. In late July 1987 the staff contacted applicant's attorney and was advised to keep the application in abeyance in order to give him an opportunity to amend the application to make it similar to the ZORFs used in freight transportation.

On August 21, 1987 the staff wrote a letter reminding applicant to amend the application. On September 8, 1987 the attorney for applicant called and expressed inability to file an amended application.

Applicant has failed to pursue the application diligently. The staff has recommended that the application be dismissed without prejudice.

Findings of Fact

1. Application 86-08-032 was filed prematurely.
2. Application 86-08-032 is found to be deficient under Section 454(a) and 454.2 of the Public Utilities Code.
3. Applicant expressed the desire to amend the application to make it similar to a trucking ZORF, but has failed to pursue this matter diligently.
4. Applicant apparently has abandoned its effort to obtain the ZORF requested in the application.
5. A public hearing is not necessary.

Conclusion of Law

The application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED that A.86-08-032 is dismissed.

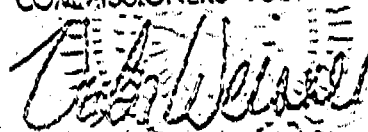
This order becomes effective 30 days from today.

Dated JAN 28 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
C. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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


Victor Weisner, Executive Director