

ALJ/WAT/ek/rmn

Decision 88 02 049 FEB.24 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 METROPOLITAN PARATRANSIT CO., INC., )  
 dba CELEBRITY AIRPORT LIVERY, aka )  
 CELEBRITY MINI-TOURS CO. to delete )  
 conditions and restrictions of )  
 Section 1., Item (e) of the Public )  
 Utilities Commission, Certificate )  
 1316: Decision 83-10-084 (10-19-83).)

Application 87-11-025  
 (Filed November 23, 1987)

OPINION

Applicant Metropolitan Paratransit Co., Inc. (Metro), a California corporation, requests that the Commission delete the following restriction set forth in its certificate of public convenience and necessity (CPC&N) PSC-1316, at Original Page 3, Section 1, item (e), granted by Decision (D.) 83-10-084 in Application (A.) 83-02-20:

"(e) No passenger shall be transported between LAX and:

DOWNTOWN LOS ANGELES AREA	HOLLYWOOD-UNIVERSAL CITY
Bonaventure Hotel	Farmer's Market
Los Angeles Hilton Hotel	Roosevelt Hotel
Figueroa Hotel	Holiday Inn
Hyatt Regency Hotel	Sheraton-Universal Hotel
Biltmore/Mayflower Hotels	
New Otani Hotel	WEST LOS ANGELES AND SAN
Greyhound/RTD Terminal	FERNANDO VALLEY
	West L.A. Flyaway
BEVERLY HILLS AREA	Westwood Holiday Inn
Century Plaza	The Valley Hilton
Beverly Hilton	
Beverly Wilshire Hotel	
Ramada Inn	
LOS ANGELES WILSHIRE DISTRICT	
Hyatt Wilshire Hotel	
Ambassador Hotel	
Sheraton-Town House	
Olympian Hotel"	

This restriction was agreed to in a stipulation by Metro and Airport Service Incorporated (ASI), protestant in A.83-02-20, which prohibits Metro from transporting passengers between any airport and off-airport bus stop of ASI within the certificated area of Metro.

The Commission in D.83-10-084, at page 3, invited Metro to apply to have the restriction removed if changed circumstances later warranted. Metro alleges that ASI is no longer operating and that ASI's routes were taken over by Airlink Funbus Systems, Inc. (Funbus) Metro further alleges that since the restriction was placed into its certificate by stipulation with ASI and since ASI is no longer in operation, the restriction should be removed since this is a changed circumstance.

The Transportation Division staff corroborates the fact that ASI is no longer in operation and recommends that this application be granted by ex parte order.

A protest to the application was filed by SuperShuttle of Los Angeles, Inc. (SuperShuttle) on December 28, 1987. SuperShuttle alleges that the territory authorized in D.83-10-084 does not require modification and that public convenience does not require an additional carrier at the locations requested. SuperShuttle also alleges that, although ASI no longer exists, its certificate, routes, and rights were transferred in their entirety to Funbus (PSC-918).

SuperShuttle was not a protestant to A.83-02-20 and inasmuch as Funbus, who, according to SuperShuttle, allegedly is the transferee of ASI's certificate, routes, etc., has not seen fit to protest this application, we do not consider SuperShuttle's protest as valid.

The protest of SuperShuttle should therefore be denied and a hearing is not deemed necessary.

Findings of Fact

1. Metro has authority to operate as a passenger stage corporation pursuant to CPC&N PSC-1316 authorized in D.83-10-084 dated October 19, 1983. .
2. Section 1, item (e), in CPC&N PSC-1316, restricts Metro from transporting any passenger between any airport and any off-airport bus stop of ASI within the certificated area of Metro.
3. D.83-10-084 invited Metro to apply to have said restriction removed if changed circumstances occur.
4. ASI and Metro entered into the stipulation to have the restriction placed in Metro's certificate to prevent Metro from competing with ASI.
5. ASI is no longer in operation.

Conclusion of Law

Since ASI is no longer in operation and the basis for which the restriction was placed in Metro's CPC&N is no longer valid, the restriction should be removed.

ORDER

IT IS ORDERED that:

1. The request in Application 87-11-025 is granted as set forth in attached First Revised Page 3 of Appendix PSC-1316.
2. The protest of SuperShuttle of Los Angeles, Inc. is denied.

This order is effective today.

Dated February 24, 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
JOHN B. OHANIAN  
Commissioners

Commissioner Frederick R. Duda,  
being necessarily absent, did  
not participate.

Commissioner G. Mitchell Wilk,  
being necessarily absent, did  
not participate. I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weisberg*  
Victor Weisberg, Executive Director

T/VP/jgd

Appendix PSC-1316  
(D. 83-10-084)

Metropolitan  
Paratransit Co., Inc.

First Revised Page 3  
Cancels  
Original Page 3

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS (continued):

\*(e) Deleted

(f) 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.

Issued by California Public Utilities Commission.

\* Deleted by Decision 88 02 049, Application 87-11-025.

This restriction was agreed to in a stipulation by Metro and Airport Service Incorporated (ASI), protestant in A.83-02-20, which prohibits Metro from transporting passengers between any airport and off-airport bus stop of ASI within the certificated area of Metro.

The Commission in D.83-10-084, at page 3, invited Metro to apply to have the restriction removed if changed circumstances later warranted. Metro alleges that ASI is no longer operating and that ASI's routes were taken over by Airlink Funbus Systems, Inc. (Funbus) Metro further alleges that since the restriction was placed into its certificate by stipulation with ASI and since ASI is no longer in operation, the restriction should be removed since this is a changed circumstance.

~~In D.85-10-024, we concluded that restrictions such as that placed in Metro's certificate in D.83-10-084 were no longer in the public interest.~~ DV

The Transportation Division staff corroborates the fact that ASI is no longer in operation and recommends that this application be granted by ex parte order.

A protest to the application was filed by SuperShuttle of Los Angeles, Inc. (SuperShuttle) on December 28, 1987. SuperShuttle alleges that the territory authorized in D.83-10-084 does not require modification and that public convenience does not require an additional carrier at the locations requested. SuperShuttle also alleges that, although ASI no longer exists, its certificate, routes, and rights were transferred in their entirety to Funbus (PSC-918).

SuperShuttle was not a protestant to A.83-02-20 and inasmuch as Funbus, who, according to SuperShuttle, allegedly is the transferee of ASI's certificate, routes, etc., has not seen fit to protest this application, we do not consider SuperShuttle's protest as valid. ~~SuperShuttle must be aware of D.85-10-024 in which the Commission, referring to a similar stipulation entered~~ DV

~~into between Wilmington Cab Company of California, Inc., dba "The SuperShuttle", stated: "We find this [stipulation] to be an unreasonable restraint on competition and not in the public interest and therefore no longer binding on the parties."~~ 100

The protest of SuperShuttle should therefore be denied and a hearing is not deemed necessary.

Findings of Fact

1. Metro has authority to operate as a passenger stage corporation pursuant to CPC&N PSC-1316 authorized in D.83-10-084 dated October 19, 1983.
2. Section 1, item (e), in CPC&N PSC-1316, restricts Metro from transporting any passenger between any airport and any off-airport bus stop of ASI within the certificated area of Metro.
3. D.83-10-084 invited Metro to apply to have said restriction removed if changed circumstances occur.
4. ASI and Metro entered into the stipulation to have the restriction placed in Metro's certificate to prevent Metro from competing with ASI.
5. ASI is no longer in operation.

Conclusion of Law

Since ASI is no longer in operation and the basis for which the restriction was placed in Metro's CPC&N is no longer valid, the restriction should be removed.

ORDER

IT IS ORDERED that:

1. The request in Application 87-11-025 is granted as set forth in attached First Revised Page 3 of Appendix PSC-1316.
2. The protest of SuperShuttle of Los Angeles, Inc. is denied.

This order is effective today.

Dated FEB 24 1988, at San Francisco, California.

STANLEY W. MULETT  
President

DONALD VIAL  
JOHN B. OHANIAN  
Commissioners

Commissioner Frederick R. Duda,  
being necessarily absent, did  
not participate.

Commissioner G. Mitchell Wilk,  
being necessarily absent, did  
not participate.

ORDER

IT IS ORDERED that:

1. The request in Application 87-11-025 is granted as set forth above.
2. Transportation Division shall issue a new certificate of public convenience and necessity, deleting subparagraph (e) of Section 1 in Appendix PSC-1316, Original Page 3.
3. The protest of SuperShuttle of Los Angeles, Inc. is denied.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.