

Decision 88 06 033

JUN 17 1988

JUN 20 1988  
**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Gormley/Takei Shuttles, Inc., dba )  
Valencia Airport Shuttles, Inc. )  
for authority to operate as a )  
passenger stage corporation between )  
points in the Santa Clarita Valley )  
and Los Angeles International )  
and Burbank, Glendale and Pasadena )  
Airport. )

Application 87-12-056  
(Filed December 31, 1987)

OPINION

Applicant Gormley/Takei Shuttles, Inc., doing business as Valencia Airport Shuttles, Inc., seeks a passenger stage certificate under § 1031 et seq. of the Public Utilities (PU) Code to operate an airport service between points in the Santa Clarita Valley and Burbank, Glendale, and Los Angeles Airports. Applicant will use three vans and will offer both scheduled and on-call service.

Applicant alleges that the population of the Santa Clarita Valley is growing, as is its industrial activity. It contends that its service will be less expensive than either limousine or taxi service. It further argues that its service will be more flexible than the single airport shuttle service which offers only scheduled service at one stop in the Santa Clarita Valley en route between its base in Palmdale/Lancaster and Los Angeles Airport.

Notice of the filing of the application was published in the Daily Transportation Calendar on January 7, 1988. Under Rule 8.3(b) the protest period is 30 days from the date of publication. However, since the 30-day period ended on February 6, a Saturday, the protest period was extended to Monday, February 8, pursuant to Rule 44.2.

When the protest period expired on February 8, no protests had been filed. However, on February 11 Antelope Valley Express (Antelope) filed a petition to file a late protest and a proposed protest. On March 9 the Administrative Law Judge issued a ruling denying the petition. We concur in that ruling.

Our rules do not require actual service of a copy of the application on competitors. Rather, Rule 15.1(c) provides:

"Publication in the Daily Transportation Calendar constitutes notice of filing to potentially affected competitors...for...."

\* \* \*

"(c) Applications for passenger stage corporation...operating authority..."

Accordingly, Antelope had constructive notice of the filing of the application by publication. Its allegation that it did not receive actual notice does not, therefore, constitute good cause for granting its petition.

#### Findings of Fact

1. Antelope had constructive notice of the filing of the application by publication in the Daily Transportation Calendar.
2. Antelope did not file a timely protest.
3. Since there was not a timely protest, a public hearing is not necessary.
4. Applicant is controlled by persons who are fit to hold a certificate of public convenience and necessity.
5. The proposed service territory has a growing population and increasing economic activity and consequently needs a flexible means of public transportation to and from airports.
6. Public convenience and necessity require the institution of the proposed service.

#### Conclusions of Law

1. The ALJ properly denied Antelope's petition to file a late protest.

2. The application should be granted.

3. Since this matter is not contested, the following order should be effective immediately.

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.

### ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gormley/Takei Shuttles, 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-1459, to transport persons, baggage, and/or express.

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 2 days' notice to the Commission; and make timetables and tariffs effective 2 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.

6. The Petition to File is denied.

This order is effective today.

Dated JUN 17 1988, at San Francisco, California.

STANLEY W. HULETT  
President

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

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



Victor Weissner, Executive Director

AS

T/JS/jd

Appendix PSC-1459

Gozmley/Takei  
Shuttles, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-1459

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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Issued under authority of Decision 88 06 033, dated  
JUN 17 1988 of the Public Utilities Commission of the  
State of California in Application 87-12-056.

I N D E X

	Page
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION 2. SERVICE AREA DESCRIPTION.....	3
SECTION 3. ROUTE DESCRIPTION.....	3

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Decision 88 06 033, Application 87-12-056.

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

Gornley/Takei Shuttles, Inc. by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage, on a door-to-door on-call and scheduled basis, between points in the Santa Clarita Valley area, described in Section 2, and the Los Angeles International Airport (LAX) and the Burbank-Glendale-Pasadena Airport (BUR), over and along the route described, subject, however, to the authority of this Commission to change or modify the route 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 operations in either direction unless otherwise indicated.
- (c) 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 the authorized on-call service will be rendered, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- (d) No passengers shall be transported except those having a point of origin or destination at LAX or BUR.
- (e) This certificate does not authorize the holder to conduct any operation 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. SERVICE AREA DESCRIPTION.

Santa Clarita Valley Service Area

All points within the City of Santa Clarita and surrounding communities including the following communities and postal zip codes:

<u>Community</u>	<u>Zip Code</u>
Valencia	91355
Newhall	91321/91322
Canyon Country	91351
Saugus	91350
Val Verde	91350
Castaic	91310

## SECTION 3. ROUTE DESCRIPTION

Commencing at any point within the authorized service area described in Section 2, then via the most convenient streets and highways to LAX or BUR.

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