

AUG 11 1988

Decision 88 08 007 AUG 10 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PEERLESS LIMOUSINE for Certificate)
of Public Convenience and Necessity)
to operate as a Passenger Stage)
between points in San Diego County.)

Application 88-04-027
(Filed April 11, 1988)

OPINION

Applicants James K. Burnham and Brian L. Burnham, doing business as Peerless Limousine Service, request authority under Public Utilities (PU) Code § 1031, et seq. to establish and operate a passenger stage for the transportation of passengers and baggage between the San Diego Airport (Lindbergh Field) and various points located in San Diego County. Notice of filing of the application appeared in the Commission's Daily Calendar on April 13, 1988. In addition, notice of the filing of the application was served by applicants on all governmental agencies and regional transportation planning agencies within whose boundaries passengers will be loaded and unloaded. There have been no protests to the application filed with the Commission.

Applicants propose to operate an "on-call" service within the geographical limits of the following described boundary:

Beginning at the intersection of the southward projection of Alta Road and the international border with Mexico, then north along that projection and Alta Road itself to the Otay River, then north along the Otay River to the Otay Reservoir, then north along the western shore of the Otay Reservoir to Proctor Valley Road, then northwest along Proctor Valley Road

to San Miguel Road, then west along San Miguel Road to Bonita Road, then north along Bonita Road to Sweetwater River, then north along the Sweetwater River to the Sweetwater Reservoir, then along the northwestern shore of the Sweetwater Reservoir to the inflow of the Sweetwater River, then northeast along the Sweetwater River to Sloane Canyon Road, then north along Sloane Canyon Road to Harbison Canyon Road, then north along Harbison Canyon Road to Arnold Way, then north along Arnold Way to Alpine Boulevard, then northwest along Alpine Boulevard to Dunbar Lane, then north along Dunbar Lane to the boundary of the Cleveland National Forest, then north along the western boundary of the Cleveland National Forest to the San Diego River, then west along the San Diego River to State Highway 67, then north along State Highway 67 to Archie Moore Road, then north along Archie Moore Road to Highland Valley Road, then north along Highland Valley Road to Bandy Canyon Road, then northeast along Bandy Canyon Road to San Pasqual Valley Road (State Highway 78), then northwest along State Highway 78 to the eastern boundary of the San Diego Wild Animal Park, then north along the eastern boundary of the San Diego Wild Animal Park and its projection to the northern boundary of the City of San Diego, then west along the northern boundary of the City of San Diego to Cloverdale Road, then north along Cloverdale Road to Mountain View Drive, then northwest along Mountain View Drive to the eastern boundary of the City of Escondido, then east and then north along the boundary of the City of Escondido to Valley Center Road (San Diego County Highway S6), then north along San Diego County Highway S6 to Lilac Road, then north along Lilac Road to West Lilac Road, then west along West Lilac Road to Circle R Drive, then west along Circle R Drive to Champagne Boulevard, then south along Champagne Boulevard to Gopher Canyon Road, then west along Gopher Canyon Road to the San Luis Rey River, then southwest along the San Luis Rey River to the eastern city limit of Oceanside, then north along the eastern city limit of Oceanside of the boundary of the Camp

Pendleton Marine Corps Base, then southwest along the Camp Pendleton Marine Corps Base-Oceanside boundary to Interstate Highway Number 5, then south along Interstate Highway Number 5 to Oceanside Boulevard, then southwest along Oceanside Boulevard to the Pacific Ocean.

The cities/communities within the above service area includes the following:

Cardiff-By-The-Sea	La Jolla	Poway
Carlsbad	Lakeside	Rancho Bernardo
Chula Vista	La Mesa	Rancho Santa Fe
Clairemont	Lemon Grove	San Carlos
Coronado	Linda Vista	San Diego
Coronado Cays	Miramar	San Marcos
Del Mar	Mira Mesa	Santee
El Cajon	Mission Beach	San Ysidro
Encinitas	National City	Scripps Mirimar Ranch
Escondido	North Park	Solana Beach
Hillcrest	Ocean Beach	Spring Valley
Imperial Beach	Oceanside	Tierrasanta
La Costa	Otay	Vista

The on-call service will operate normally from 5:00 a.m. to 11:00 p.m. Prospective passengers will be asked to make reservations 24 hours in advance. However, applicants state that they will accommodate passengers with less than 24 hours' reservations anywhere along the routes proposed as long as they can be accepted in a safe manner. Applicants intend to use five 7-passenger Dodge Wagon Vans to initiate this service. Applicants' fares will be based on sectors within the above-mentioned geographical boundary lines. The County of San Diego has been divided into 11 sectors; each sector has a fare associated with it. Individual passenger fares will range from a low of \$8 from within the sector closest to San Diego Airport to a maximum of \$55 from that sector furthest from San Diego Airport. Each additional person in the party will be charged \$5.

Financial information contained within the application shows applicants have total assets of \$142,891.10 and total liabilities of \$117,431.21.

Applicants allege that a service of this type is much needed in San Diego. Applicants allege that the public in the City of San Diego is subject to one of the highest cab rates in the country and that there are very few scheduled carriers serving the San Diego Airport and the areas applied for. Applicants allege that they have already run an experimental charter service at the fares described in the application and are now transporting over 1200 passengers a month. By granting an on-call permit to the applicants, it is felt that the public will be served in a more efficient manner by being able to make multiple stops.

Findings of Fact

1. Applicants have the ability, equipment, and financial resources to perform the proposed service.
2. No protests to the application have been filed.
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.
4. The rates proposed in the application are reasonable.
5. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted to applicants.

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 James K. Burnham and Brian L. Burnham, authorizing them 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-1466, to transport persons and their 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 is effective today.

Dated AUG 10 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 Weisser, Executive Director

JS

T/VJ/vjk

Appendix PSC-1466

JAMES K. BURNHAM
AND
BRIAN L. BURNHAM

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1466

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 88 08 007, dated
AUG 10 1988 of the Public Utilities Commission of the
State of California in Application 88-04-027.

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.....	4

Issued by California Public Utilities Commission.

Decision 88 08 007, Application 88-04-027.

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

James K. Burnham and Brian L. Burnham, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call", door-to-door basis, between points in San Diego County, as described in Section 2, and San Diego International Airport (SAN), 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) 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.
- (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 operations in either direction unless otherwise indicated.
- (d) Only passengers originating at or destined to SAN shall be transported.
- (e) 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.

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SECTION 2. SERVICE AREA DESCRIPTION.

San Diego County Service Area

Includes all points within the geographical limits of the following described boundary:

Beginning at the intersection of the southward projection of Alta Road and the international border with Mexico, then north along that projection and Alta Road itself to the Otay River, then north along the Otay River to the Otay Reservoir, then north along the western shore of the Otay Reservoir to Proctor Valley Road, then northwest along Proctor Valley Road to San Miguel Road, then west along San Miguel Road to Bonita Road, then north along Bonita Road to the Sweetwater River, then north along the Sweetwater River to the Sweetwater Reservoir, then along the northwestern shore of the Sweetwater Reservoir to the inflow of the Sweetwater River, then northeast along the Sweetwater River to Sloane Canyon Road, then north along Sloane Canyon Road to Harbison Canyon Road, then north along Harbison Canyon Road to Arnold Way, then north along Arnold Way to Alpine Boulevard, then northwest along Alpine Boulevard to Dunbar Lane, then north along Dunbar Lane to the boundary of the Cleveland National Forest, then north along the western boundary of the Cleveland National Forest to the San Diego River, then west along the San Diego River to State Highway 67, then north along State Highway 67 to Archie Moore Road, then north along Archie Moore Road to Highland Valley Road, then north along Highland Valley Road to Bandy Canyon Road, then northeast along Bandy Canyon Road to San Pasqual Valley Road (State Highway 78), then northwest along State Highway 78 to the eastern boundary of the San Diego Wild Animal Park, then north along the eastern boundary of the San Diego Wild Animal Park and its projection to the northern boundary of the City of San Diego, then west along the northern boundary of the City of San Diego to Cloverdale Road, then north along Cloverdale Road to Mountain View Drive, then northwest along Mountain View Drive to the eastern boundary of the City of Escondido, then east and then north along the boundary of the City of Escondido to Valley Center Road (San Diego County Highway S6), then north along San Diego County Highway S6 to Lilac Road, then north along Lilac Road to West Lilac Road, then west along West Lilac Road to Circle R Drive, then west along Circle R Drive to Champagne Boulevard, then south along Champagne Boulevard

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Decision 88 08 007, Application 88-04-027.

SECTION 2. SERVICE AREA DESCRIPTION. (Continued)

to Gopher Canyon Road, then west along Gopher Canyon Road to the San Luis Rey River, then southwest along the San Luis Rey River to the eastern city limit of Oceanside, then north along the eastern city limit of Oceanside to the boundary of the Camp Pendleton Marine Corps Base, then southwest along the Camp Pendleton Marine Corps Base-Oceanside boundary to Interstate Highway Number 5, then south along Interstate Highway Number 5 to Oceanside Boulevard, then southwest along Oceanside Boulevard to the Pacific Ocean.

The above service area generally includes the following cities/communities:

Cardiff-By-The-Sea	La Jolla	Poway
Carlsbad	Lakeside	Rancho Bernardo
Chula Vista	La Mesa	Rancho Santa Fe
Clairemont	Lemon Grove	San Carlos
Coronado	Linda Vista	San Diego
Coronado Cays	Miramar	San Marcos
Del Mar	Mira Mesa	Santee
El Cajon	Mission Beach	San Ysidro
Encinitas	National City	Scripps Mirimar Ranch
Escondido	North Park	Solana Beach
Hillcrest	Ocean Beach	Spring Valley
Imperial Beach	Oceanside	Tierrasanta
La Costa	Otay	Vista

SECTION 3. ROUTE DESCRIPTION.

Commencing at any point within the authorized service area described in Section 2 above, then along the most convenient streets and highways to San Diego International Airport.

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