

Decision 89 02 012

FEB 8 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Cal Pac Transport, for authority to)
operate as a passenger stage)
corporation between points in)
San Diego, Orange and Los Angeles)
Counties, including the San Diego,)
Los Angeles, Orange County and Long)
Beach International Airports.)

FEB 8 1989

Application 88-05-046
(Filed May 24, 1988;
amended November 7, 1988)

OPINION

Cal Pac Transport, a California corporation, requests authority under Public Utilities (PU) Code § 1031, et seq. to establish and operate a passenger stage corporation service for the transportation of passengers and baggage between points in San Diego, Orange, and Los Angeles Counties, including the San Diego, Los Angeles, Orange County and Long Beach International Airports.

A protest to the application was filed by Robert E. Dietrich, an individual doing business in San Diego County as a passenger stage corporation (PSC 1455), and a duly noticed public hearing was convened before Administrative Law Judge Orville I. Wright in San Diego on November 29, 1988.

Protestant did not appear at the public hearing, and the matter was submitted upon offers to prove the allegations of the application. Applicant waived the filing of and comment on the proposed decision pursuant to Rule 77.1, Rules of Practice and Procedure.

Applicant currently operates a charter-party passenger service under a Class B Certificate issued by the Commission (TCP-770-B). In addition, applicant holds authority from the Interstate Commerce Commission in MC-174899 and related numbers to

operate as a carrier of passengers in both special and charter operations between points in the United States.

Applicant will initially operate five 1986 Dodge vans seating 10 passengers, but capable of transporting 14 passengers by changing the configuration of the seating. Applicant anticipates that, as the demand for service grows, it will place full-size buses into service to provide closed-door express service where necessary.

All of the vehicles intended to be operated are currently covered by liability insurance in amounts that exceed the minimums required under the Commission's General Order No. 101-C.

Applicant's revenues, since the inception of the service, have grown from \$48,571.00 in 1986 to \$80,409.00 in 1987, and it is projected that revenues for 1988 will exceed those of 1987.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. A protest to the application was filed, but protestant did not appear at the duly noticed public hearing.
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. As no evidence in support of the protest has been offered and there is a public need for the service, this order should be effective immediately.

Conclusion of Law

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

Only the amount paid to the state for operative rights may be used for 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 Cal Pac Transport, 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-770, to transport persons and their baggage.

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 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, 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.

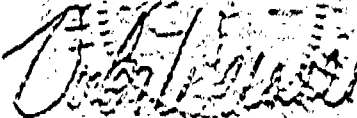
5. The application is granted as set forth above.

This order is effective today.

Dated FEB 8 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DODA
STANLEY W. HULETT
JOHN B. OHANIAN
Commissioners

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


Victor Weiss, Executive Director

T/VK/vjk

Appendix PSC-770

CAL PAC TRANSPORT

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-770

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.

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Issued under authority of Decision _____, dated
FEB 8 1989, of the Public Utilities Commission of the
State of California in Application 88-05-046.

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

Cal Pac Transport, 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 the points and 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) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (b) 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 or scheduled service shall be provided, 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.
- (c) 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.

Issued by California Public Utilities Commission.

Decision 89 02 012, Application 88-05-046.

SECTION 2. SERVICE AREA DESCRIPTION.

<u>CITY/COMMUNITY</u>	<u>ZIP CODES</u>
Bonsall	92003
Camp Pendleton	92055
Cardiff-By-The-Sea	92007
Carlsbad	92008/92009
Del Mar	92014
El Cajon	92020/92021/92022
Encinitas	92024
Escondido	92025/92026/92027
Fallbrook	92028
Lakeside	92040
Leucadia	92024
Miramar Naval Air Station	92145
Miramar/Mira Mesa	92126/92145
Oceanside	92054/92056
Poway	92064
Rancho Bernardo	92127/92128
Rancho Penasquitos	92129
San Marcos	92069
Santee	92071
Solana Beach	92075
Vista	92083/92084
San Diego	92101/92102/92103
	92108/92111/92123
	92124/92126/92127
	92128/92129/92188/92189

AIRPORTS

San Diego International Airport (SAN)
John Wayne Airport (SNA)
Long Beach Municipal Airport (LGB)
Los Angeles International Airport (LAX)

SECTION 3. ROUTE DESCRIPTION.

Between any two points within the authorized service area described in Section 2.

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