

Decision 89 04 032 APR 12 1989

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Rainbow Ride, Inc., for authority  
to operate as a passenger stage  
corporation between points in  
San Diego County, including the  
San Diego International Airport.

Application 88-11-035  
(Filed November 16, 1988)

Mailed

APR 15 1989

OPINION

Rainbow Ride, Inc. seeks a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between certain points within San Diego County, including San Diego International Airport, as set forth in Exhibit A attached to the application. A map showing the area of the proposed service is attached to the application as Exhibit B.

Applicant proposes to perform an on-call service on a seven-day per week basis. Passengers will be picked up and dropped off at numerous points within the described service area. The pickups will be made at the point within the proposed service area as specified by the passenger.

The application states that:

1. Applicant currently operates an on-call shuttle or "jitney" service transporting passengers within the City of San Diego. In addition, Applicant currently has on file an application for authority to perform service as a charter party carrier under File No. TCP-5091-P. Applicant will initially operate two vans capable of transporting 14 and 15 passengers. The 15-passenger van is a 1979 Ford van, ID Number S31HHEG7252, DMV License Number 3G34024. The 14-passenger van is a 1981 Dodge van, ID Number 2B7KB33T6BK20621, DMV License Number 2V74926. Both vans are owned by the Applicant. These vans are fully automatic,

air-conditioned, units. They are utilized primarily because of their maneuverability and comfort within a metropolitan area.

- "2. 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 101-C. Applicant's vehicles will be garaged, serviced and maintained at its present vehicle service facilities located at San Diego, California. Servicing and maintenance will be performed by Applicant's employees and by outside firms specializing in specific areas of maintenance as necessary."

The application for charter party authority has been granted.

Applicant alleges that:

"Public convenience and necessity require the granting of this application for the following reasons:

- "1. The services to be offered by Applicant are different and distinct from the public transportation system currently in place between the points involved here. The concept of bus or van transportation is not unique, but the existing services simply do not meet the needs of the public needing to travel between the points involved in this application and particularly to and from the San Diego Airport. Existing services are not regular, they are often not operated when they are supposed to be operated, and they simply do not meet the requirements of the public for service. A comparison of our rates and those of existing services will disclose that Applicant intends to charge a higher price than existing services. This, However, will make it possible for Applicant to provide a superior service.

- "2. Applicant has been requested by numerous members of the public to provide the service proposed here and is therefore certain that public convenience and necessity requires the proposed service.
- "3. This will not really be a new service. Applicant currently operates a shuttle service under authority issued by the City of San Diego. This has included service to the airport; however, the airport will not allow curbside service unless the operator has passenger stage authority. A grant of the authority here will simply make it possible for the Applicant to provide a more responsive service by allowing it to make curbside pickups at the airport."

Exhibit C attached to the application sets forth the fares applicant proposes to charge for service from and to the San Diego International Airport.

Exhibit D, attached to the application is a copy of applicant's balance sheet as of June 30, 1988. It discloses assets of \$31,986.00 offset by liabilities of \$1,850.42 a resultant net worth of \$30,135.58.

The application was served in accordance with Rule 21(K) of the Commission's Rules of Practice and Procedure. Notice of the filing of the application was published in the Commission's Daily Transportation calendar of November 23, 1988. No protests to the granting of the application have been received. The Commission's Transportation Division Staff has advised that it has reviewed the application and recommends that in the absence of protest it be granted by ex parte order.

#### Findings of Fact

1. Applicant seeks authority to perform operations as a passenger stage corporation between various points in San Diego County including San Diego International Airport.

2. Applicant has the ability, experience, equipment and financial resources to provide the proposed service.
3. Public convenience and necessity require the issuance of a certificate to perform the proposed service.
4. No protests have been received.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application should be granted.

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 Rainbow Ride, 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-5091, to transport persons and 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 becomes effective 30 days from today.

Dated APR 12 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

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

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

- 5 -

*Victor Weiser*  
Victor Weiser, Executive Director

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-5091

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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 89 04 032, dated  
APR 12 1989, of the Public Utilities Commission of  
the State of California in Application 88-11-035.

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Decision 89 04 032, Application 88-11-035.

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

Rainbow Ride, Inc., by the certificate of public convenience and necessity granted by decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis between certain points in San Diego County, described in Section II, and San Diego International Airport(SAN), over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation 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 each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having point of origin or destination at SAN.
- d. 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.

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## SECTION II. SERVICE AREA.

San Diego County

<u>City or Community</u>	<u>Zip Code</u>
Miramar Naval Air Station	92145
Mira Mesa	92126
Rancho Penasquitos	92129
El Cajon	92020, 92021, 92022
Rancho La Costa	92008
Imperial Beach	92032
Poway	92064
Rancho Bernardo	92127, 92128
Escondido	92025, 92026, 92027
Lemon Grove	92045
Solana Beach	92075
La Jolla	92037
Coronado	92118
Rancho Santa Fe	92067
San Ysidro	92073
Chula Vista	92010, 92011, 92012
Carlsbad	92008, 92009
La Mesa	92041, 92042, 92044
Leucadia	92024
Encinitas	92024
Cardiff-By-the-Sea	92007
Del Mar	92014
National City	92050
Spring Valley	92077, 92078
Torrey Pines	92037
San Diego	92101, 92106, 92108, 92109, 92113, 92117, 92118, 92124, 92126, 92127, 92128, 92129, 92131, 92145, 92154.

San Diego International Airport

92101

## SECTION III. ROUTE DESCRIPTION.

Commencing from any point in the service area of San Diego County described above to the San Diego International Airport.

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