

Decision 89 05 017 MAY 10 1989

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
W2800

In the Matter of the Application of )  
Whitney E. Carter for authority to )  
operate as a passenger stage company )  
between Vista, San Marcos, Bonsall, )  
Oceanside, and Carlsbad to the )  
airports in San Diego, Los Angeles, )  
and Orange Counties. )

MAY 11 1989

Application 89-02-043  
(Filed February 21, 1989)

OPINION

Whitney E. Carter 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 Vista, San Marcos, Bonsall, Oceanside, and Carlsbad to airports in San Diego, Los Angeles, and Orange Counties.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on February 27, 1989. In addition, notice of the filing of the application was served by applicant 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, and Transportation Division staff recommends ex parte handling of the application.

Applicant owns a travel agency business and states that on-call airport service from points in northern San Diego County to San Diego International Airport, Los Angeles International Airport, and John Wayne Airport would complement his present business by providing additional related service to the traveling public.

Applicant will use two 7-passenger vans and one 15-passenger van in his transportation business.

A balance sheet attached to the application shows total assets of \$44,436, including \$40,663 cash in bank, and owner's equity of \$35,516 as of December 31, 1988.

Findings of Fact

1. Applicant has 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. As no protests have been filed, this order should be effective immediately.
5. A public hearing is not necessary.

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 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 Whitney E. Carter, authorizing him 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-5619, 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 his 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 he 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. ✓

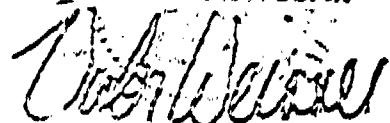
5. The application is granted as set forth above.

This order is effective today.

Dated MAY 10 1989, at San Francisco, California.

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

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



Victor Weisner, Executive Director

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE COMPANY

PSC-5619

---

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 89 05 017, dated MAY 10 1989  
of the Public Utilities Commission of the State of California, in  
Application 89-02-043.

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

Whitney E. Carter, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage on an on-call basis, between points in San Diego County, as described in Section 2, on the one hand, and San Diego International Airport (SAN), Los Angeles International Airport (LAX), and John Wayne Airport in Orange County (SNA), on the other hand, 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) 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 shall show the conditions under which the authorized door-to-door, on-call service will 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 city.
- (c) No passengers shall be transported except those having a point of origin or destination at SAN, LAX or SNA.
- (d) 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 the California Public Utilities Commission.

89 05 017

Decision \_\_\_\_\_, Application 89-02-043.

SECTION 2. SERVICE AREA DESCRIPTION.

SAN DIEGO COUNTY SERVICE AREA.

Includes all points within the geographical limits of the following communities.

Bonsall  
Carlsbad  
Oceanside  
San Marcos  
Vista

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 SAN, LAX or SNA.

Issued by the California Public Utilities Commission.

89 05 017

Decision \_\_\_\_\_, Application 89-02-043.

- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in his 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 he 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.