

Decision 89 05 039 MAY 26, 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of West Plainfield)
Transportation System for authority)
to operate as a Class "B" Charter-)
Party Carrier of Passengers, Davis.)

Mailed
MAY 26 1989

Application 87-07-040
(Filed July 27, 1987)

Carolyn Pfanner, for West Plainfield
Transportation System, applicant.

O P I N I O N

West Plainfield Transportation System requests a Class B certificate authorizing operations as a charter-party carrier of passengers. The application was received by the Commission's Transportation Division on June 4, 1987. On July 27, 1987 a protest to the application was filed by Action Bus Company, Inc. As a result of the protest, the matter was docketed as a formal application to be set for hearing.

An evidentiary hearing was originally set for September 24, 1987. At the request of applicant's counsel the matter was temporarily removed from the Commission's calendar. The matter was rescheduled for hearing in San Francisco on February 10, 1989 before Administrative Law Judge O'Leary at which time and place a duly noticed hearing was held. The protestant failed to appear. Pursuant to the request of the representative of the applicant, the matter was submitted based upon the information contained in the verified application.

Applicant is a nonprofit California corporation whose primary purpose, according to its Articles of Incorporation, is to provide low cost transportation for students in the western area of the Davis Unified School District. The application states that applicant has been transporting school children to and from school and in related activities since 1981. The Davis Joint Unified

School District stopped providing transportation to and from school in 1980. The application as originally filed was under protest for the purpose of obtaining a determination from this Commission as to whether or not authority was required for the operations conducted. By letter dated June 12, 1987 applicant advised that it wished to amend the application by deleting its protest and proceeding with the application to obtain the charter party authority.

As of May 29, 1987 applicant had assets of \$58,500, including school type buses, offset by liabilities of \$9,700 with a resultant net worth of \$48,800.

The Administrative Law Judge's proposed decision was filed and mailed to the parties on April 14, 1989. No comments on the proposed decision have been filed.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal at Davis.
4. Protestant did not appear at the hearing, even though it had been duly noticed.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. This order should become effective immediately as public convenience and necessity have been demonstrated.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed every three years, is granted to West Plainfield Transportation System authorizing it to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at Davis.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.
- d. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. The Tariff and License Branch will issue the three-year renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives California Highway Patrol (CHP) clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. 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.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is regulated under Public Utilities Code § 5384(c). It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

7. The application is granted as set forth above.

This order is effective today.

Dated MAY 26 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 Wolkoff, Executive Director

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