

Decision 89 07 036

JUL 19 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Laura Lee Nelson, dba Metropolitan)
Express, for authority to operate as)
a passenger stage corporation)
between points in the Los Angeles)
City and LAX Airport.)

Application 88-08-056
(Filed August 26, 1988;
amended November 2, 1988)

William A. Turkish, Attorney at Law, for Laura
Lee Nelson, applicant.
S. E. Rowe, by K. D. Walpert, for the
Department of Transportation, City of Los
Angeles, protestant.
Kenneth L. Koss, for the Transportation
Division.

O P I N I O N

Laura Lee Nelson (Nelson), doing business as Metropolitan Express, seeks a certificate of public convenience and necessity to provide on-call passenger stage service between points in the Counties of Los Angeles and Orange and the Los Angeles International Airport (LAX), John Wayne Airport, Los Angeles Amtrak Station, Long Beach Harbor, and Los Angeles Harbor. (Nelson withdrew her request for scheduled service during the course of public hearing on the application.)

Protests to the application were filed by SuperShuttle of Los Angeles, Inc. (SuperShuttle), and the City of Los Angeles (City), and a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Los Angeles on March 22, 1989. SuperShuttle did not appear at the hearing and, after the taking of evidence, the matter was submitted on April 24, 1989.

Applicant's Evidence

Applicant testified that she has had ten years experience in transportation, such as rent-a-car and charter party services to LAX. She has recently acquired her own charter party permit and seeks to expand her field of operations in harmony with the increasing number of travelers to and from LAX.

Nelson caused a survey to be made of van passengers at airports and submitted into evidence a study showing that the vast majority of 57 persons responding to the survey believed that shuttle services were advantageous to the public and that more airport access transportation should be made available.

Applicant produced a similar sampling of public opinion respecting the Los Angeles Amtrak Station which showed that 37 of 44 persons responding would take a shuttle from Amtrak to LAX or to downtown Los Angeles if such transportation service was available.

One of Nelson's customers appeared to testify that the charter party service of applicant was reliable and that she and others in her company would utilize applicant's on-call service if it were certificated.

A driver employed by a competing airport shuttle service testified on behalf of applicant to the effect that there was a definite need for further airport shuttle services at LAX, in his opinion.

Nelson intends to operate five vans to provide on-call passenger stage service and her balance sheet shows total assets of \$335,500 and total capital of \$200,500 as of March 15, 1989.

A projection of income and expenses submitted by applicant shows total revenue of \$876,320 yielding net income before taxes of \$40,920 for a six-month period.

City's Evidence

City's participation in the hearing developed the record with respect to financial projections and ability of applicant to conduct the sought service. Cross-examination of Nelson resulted

in applicant's withdrawal of her request for scheduled service at this time.

A public utilities transportation employee of City testified to airport congestion and that there are ample seats available on shuttle vans departing LAX. No additional van services are needed to serve the public in the opinion of this witness.

Discussion

Nelson has shown that she has sufficient transportation experience and financial resources to enable her to conduct the relatively modest shuttle service she wishes to initiate. She produced two witnesses and conducted an informal opinion survey to establish that there is a need for her proposed on-call service.

That there is congestion at LAX is, in our opinion, insufficient reason to deny a small operator the opportunity to expand her transportation service when such denial would only allow the large, established operator to add more equipment and start new routes. (See Decision 89-04-029.)

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
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 this application is essentially an expansion of existing service, the order should be effective on date of signing.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate 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 Laura Lee Nelson authorizing her 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-4928, 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 her 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 she 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.


This order is effective today.

Dated JUL 19 1989, at San Francisco, California.

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

Commissioner Patrick M. Eckert,
being necessarily absent, did
not participate.

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


Victor Weissar, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-4928

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 07 036, dated
JUL 19 1989 of the Public Utilities Commission of the
State of California in Application 88-08-056.

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Issued by California Public Utilities Commission.

Decision 89 07 036, Application 88-08-056.

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

Laura Lee Nelson by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage coach to provide on-call, door-to-door services to transport passengers and their baggage between points in the counties of Los Angeles and Orange, described in Section 2, and Los Angeles International Airport (LAX), John Wayne Airport (SNA), Los Angeles Amtrak Station, Long Beach Harbor and Los Angeles Harbor, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes 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) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) Services shall be provided on a seven-day per week basis.
- (d) No passengers shall be transported except those having a point of origin or destination at LAX, SNA, Long Beach Harbor, Los Angeles Harbor or Los Angeles Amtrak Station.
- (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 each authorized 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 incorporated city.
- (f) 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.

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SECTION 2. SERVICE AREA DESCRIPTION.

On-Call, Door-to-Door Service

Los Angeles County

Includes all points within the following boundaries: Angeles National Forest to the North, the San Bernadino County line to the East, the Orange County line to the Southeast, the Pacific Ocean to the South and Southwest, the Los Angeles city limits to the West and Northwest. Includes also all points within the following communities:

Hidden Hills	91302
Calabasas	91302

Orange County

Includes all points within the geographical limits of Orange County.

SECTION 3. ROUTE DESCRIPTIONS.

Commencing at any point within the authorized service area described in Section 2, then via the most convenient streets and highways to LAX, SNA, Los Angeles Amtrak Station, Los Angeles Harbor or Long Beach Harbor.

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