

Decision 89 07 038

JUL 19 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Lloyd S. Gregware)
for certificate of public convenience)
and necessity to operate a passenger)
stage service, with or without)
baggage, between customer's door to)
their destination within the State)
of California.)

Application 88-10-056
(Filed October 31, 1988;
amended February 21, 1989)

OPINION

Lloyd Scott Gregware (applicant) is an individual from La Mesa, California, who has applied for a certificate of public convenience and necessity as a passenger stage corporation, to authorize the transportation of passengers with or without baggage, in a door-to-door, on-call passenger stage service between points in San Diego County on the one hand, and San Diego International Airport, San Diego Amtrak Station, and the downtown San Diego Greyhound bus terminal, on the other hand.

Applicant will utilize a 1984 6-cylinder, 8-passenger Dodge Ram van, a 1986 8-cylinder, 8-passenger Dodge Ram van, and a 1986 8-cylinder, 12-passenger Ford Club Wagon to provide the transportation. Applicant's proposed one-way fares extend from a \$5 minimum to fares of \$45, \$50, \$65, \$70, \$75, and \$90, depending upon pickup point and distance traveled. Two adults ride for a single fare from most points, with a \$3 charge for additional passengers (more than two). Service will be available 16 hours a day, 7 days a week. Passengers will be advised to reserve seats in advance to avoid finding all seats occupied when they climb aboard.

Applicant's projected account of expense and income extended through the first year of operation is based on a norm of 25 passengers a day and 5 vehicles in operation. Gross revenue is

estimated at \$420,000 and expenses at \$355,174, with an income of \$64,826. Applicant's financial statement for the period ending on September 30, 1988 shows a revenue of \$38,141 and expenses of \$31,677. Net income is stated as \$6,464.

Applicant alleges that he has been driving a city-to-airport bus for 7 years. He alleges that the population of San Diego County has grown during recent years and that all income levels are represented. Tourism is on the increase and bus operators are expected to extend service and to provide more buses. Many of applicant's passengers have requested service to and from airports. A reliable bus service from home and motel to the airports will eliminate considerable traffic, which requires freeway space and parking slots at the airports.

Copies of the application were mailed to 18 city clerks and to 6 airports. The filing of the application was noted on the Commission's Daily Calendar on November 4, 1988 and February 27, 1989. There have been no protests or requests for a hearing.

The Transportation Division has recommended that the application be granted.

Findings of Fact

1. Applicant has 7 years' experience as a bus driver on a route which serves the San Diego International Airport.
2. Applicant does not hold and has never held operating authority from this Commission.
3. Applicant has applied for a certificate as a passenger stage corporation to transport passengers and baggage between points in San Diego County, on the one hand, and San Diego International Airport, San Diego Amtrak Station, and the downtown San Diego Greyhound bus terminal, on the other hand.
4. Requests for the proposed service and information relayed by applicant's passengers indicate an immediate need for the proposed service.

5. Applicant has the ability, experience, and financial responsibility to perform this service.

6. Public convenience and necessity require the service proposed by applicant.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

8. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

Conclusions of Law

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

2. This order should be made effective on the date signed. There is a present and continuing public need for the service proposed by the 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Lloyd Scott Gregware, 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-5243, to transport persons, baggage, and/or express.

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.

T/MEE/ebi *

Appendix PSC-5243

Lloyd S. Gregware

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-5243

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 89-07-038, dated July 19, 1989,
of the Public Utilities Commission of the State of California in
Application 88-10-056.

CORRECTION

**THIS DOCUMENT HAS
BEEN REPHOTOGRAPHED**

TO ASSURE

LEGIBILITY

5. Applicant has the ability, experience, and financial responsibility to perform this service.

6. Public convenience and necessity require the service proposed by applicant.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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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 becomes effective 30 days from today.
Dated July 19, 1989, at San Francisco, California.

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

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

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

Victor Weisser
Victor Weisser, Executive Director
JLB

T/MEE/ebi *

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Issued by California Public Utilities Commission.
Decision 89 07 038, Application 88-10-056.

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

Lloyd S. Gregware by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage, on an on-call, door-to-door basis, between points in San Diego County, 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) No passengers shall be transported except those having a point of origin or destination at San Diego International Airport (SAN), San Diego Amtrak Station, or downtown San Diego Greyhound Bus terminal.
- (d) 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.

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SECTION 2. SERVICE AREA DESCRIPTION.

SAN DIEGO COUNTY SERVICE AREA.

Includes all points within the geographical limits of the following cities:

Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and the following communities and postal zip codes in San Diego County:

Bonsall	92003
Fallbrook	92028
Lakeside	92040
North Island Naval Base	92135
Rancho Santa Fe	92067
San Onofre	92672

SECTION 3. ROUTE DESCRIPTIONS.

Route 1. SAN/AMTRAK ON-CALL DOOR-TO-DOOR SERVICE

Commencing at San Diego International Airport, San Diego Amtrak Station, or downtown Greyhound Bus terminal then via the most convenient streets and highways to any point within the service area described in Section 2.

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Decision 89 07 038, Application 88-10-056.

5. Applicant has the ability, experience, and financial responsibility to perform this service.

6. Public convenience and necessity require the service proposed by applicant.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

8. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

Conclusions of Law

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

2. This order should be made effective on the date signed. There is a present and continuing public need for the service proposed by the 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Lloyd Scott Gregware, authorizing him to operate as a passenger stage corporation, as defined in FU Code § 226, between the points and over the routes set forth in Appendix PSC-5243, to transport persons, baggage, and/or express.

2. Applicant shall:

a. file a written acceptance of this certificate within 30 days after this order is effective.

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5. The application is granted as set forth above.

This order becomes effective 30 days from 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 in this decision.
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.



T/MEE/ebi

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