

89 08 007 AUG 3 1989

Decision _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Paul B. Theus, for)
Certificate of Public)
Convenience and Necessity)
to operate as a passenger)
stage between points in the)
San Diego area and San Diego)
Airport.)

Application 89-03-022
(Filed March 16, 1989)

OPINION

Paul B. Theus, doing business as Seaside Shuttles, requests authority under Public Utilities (PU) Code § 1031, et seq. to establish and operate an on-call passenger stage corporation service for the transportation of passengers and baggage between San Diego International Airport and points in San Diego County.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on March 22, 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.

Applicant states that he has owned and operated City of San Diego Transportation Permits for the past eight years. In this application, applicant proposes to service four routes, with two seven-passenger vans, on an on-call basis, between 6:00 a.m. and 11:00 p.m., between San Diego International Airport and

- (1) Oceanside over Highway 5, serving the north coastal area;
- (2) Escondido over I-15, serving the north valley area; (3) Alpine over I-8 and Route 163, serving the eastern valley area; and
- (4) Spring Valley over Route 94 and I-5, serving the southeastern

valley area. Passengers will be carried from any point within 8 miles of each of the above routes.

An amended balance sheet submitted by letter dated June 16, 1989, shows total assets of \$104,225, including cash in bank of \$17,225, and no liabilities.

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.

Conclusions of Law

1. Public convenience and necessity have been demonstrated, and a certificate should be granted to applicant.
2. As no protests have been filed and there is a public need for the service, this order should be effective immediately.
3. A public hearing is not necessary.

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 Paul B. Theus 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-5625, 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 AUG 3 1989 , at San Francisco, California.

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

Commissioner Stanley W. Hulett,
being necessarily absent, did not
participate.

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



Victor Weisser, Executive Director

VB

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-5625

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 08 007, dated
April 3 1989, of the Public Utilities Commission of
the State of California in Application 89-03-022.

I N D E X

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. SERVICE AREA DESCRIPTIONS	3
SECTION III. ROUTE DESCRIPTIONS	3

Issued by California Public Utilities Commission.

Decision 89 08 007, Application 89-03-022.

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

Paul B. Theus, 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 service between points in San Diego County as described herein, and San Diego International Airport (SAN), 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.

Issued by California Public Utilities Commission.

Decision 89 08 007, Application 89-03-022.

SECTION II. SERVICE AREA DESCRIPTIONS.

The service area as shown below includes any point within 8 miles on each side of the specified freeway or highway.

Oceanside

Between Oceanside and San Diego International Airport on Interstate 5.

Escondido

Between Escondido and San Diego International Airport on Interstate 15 and Route 163.

Alpine

Between Alpine and San Diego International Airport on Interstate 8 and Route 163.

Spring Valley

Between Spring Valley and San Diego International Airport on Route 94 and Interstate 5.

SECTION III. ROUTE DESCRIPTIONS.

- Route 1. Commencing from any point within the Oceanside Service Area to San Diego International Airport.
- Route 2. Commencing from any point within the Escondido Service Area to San Diego International Airport.
- Route 3. Commencing from any point within the Alpine Service Area to San Diego International Airport.
- Route 4. Commencing from any point within the Spring Valley Service Area to San Diego International Airport.

Issued by California Public Utilities Commission.

Decision 89 08 007, Application 89-03-022.