

Decision 89 09 002 SEP 7 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOSEPH LOGO, dba LOGO EXPRESS AIRPORT)
SHUTTLE (PSC-1433), for a certificate)
of public convenience and necessity)
to expand his passenger stage service)
between LAX and San Pedro Harbors on)
the one hand and all points within)
the cities of Los Angeles and San)
Bernardino Counties on the other)
hand.)

ORIGINAL

Application 88-08-032
(Filed August 15, 1988;
amended February 22, 1989)

In the Matter of the Application of)
JOSEPH LOGO, dba LOGO EXPRESS)
AIRPORT SHUTTLE to transfer to LOGO)
EXPRESS, INC., a California)
corporation, the passenger stage)
business currently operated by)
JOSEPH LOGO under authority of)
Decision No. 87-01-039.)

Application 89-05-046
(Filed May 22, 1989)

Rogers and Harris, by Michael Harris,
Attorney at Law, for Joseph Logo and
Logo Express, Inc., applicants.
S. E. Rowe, by K. D. Walpert, for
Department of Transportation, City of
Los Angeles, protestant.
Kenneth Koss, for the Transportation
Division.

OPINION

Joseph Logo (Logo), an individual doing business as Logo Express Airport Shuttle, seeks authority in Application (A.) 89-05-046, to transfer PSC-1433 to Logo Express, Inc. (Logo Express), a California corporation formed by Logo to conduct his transportation business.

Logo and Logo Express, in A.88-08-032, seek authority to expand the on-call service area described in PSC-1433 from its

present points in the City of Pasadena to Los Angeles International Airport (LAX) to encompass LAX, Burbank Airport, and San Pedro Harbors, on the one hand, and points within Los Angeles, Orange, and San Bernardino Counties, on the other hand.

Logo's request to transfer his operating authority to his corporation appeared on the Commission's Transportation Calendar of May 26, 1989, and no protests have been filed. However, the application to expand service territory drew a protest from the Los Angeles Department of Transportation (LADOT), and a duly noticed public hearing on the latter application was held before Administrative Law Judge Orville I. Wright in Los Angeles on May 25, 1989. The matter was submitted upon the filing of the transcript on June 14, 1989.

This decision discusses both applications for reasons of procedural convenience.

A.89-05-046 - Transfer Authority

Articles of Incorporation attached to A.89-05-046 show the California Secretary of State's filing stamp on July 17, 1987, for Logo Express, Inc.

The application states that the property involved in the transfer from Logo to Logo Express includes essentially all of the assets and liabilities of Logo utilized or acquired in connection with the passenger stage business operated pursuant to Decision (D.) 87-01-039 (PSC-1433). A balance sheet attached to the application reveals assets of \$179,314 and stockholders' equity of \$51,026.

There will be no change in management, equipment, or employees if the requested transfer of authority is granted.

Applicant's charter-party permit (TCP-4615 P) is in the corporate name.

A.88-08-032 - Expanded Service Area

Logo seeks to expand his on-call service territory commensurate with requests he testified to receiving from patrons of his charter-party airport service.

Need for the Service

Applicant's evidence is that he commenced business under the authority of PSC-1433 in January 1987 (D.87-01-039), now conducts passenger stage operations with 10 vans, and anticipates continued enlargement of his customer base.

A pro forma income statement for the period ending April 30, 1989, shows shuttle revenue estimated at \$1,750,000 and total operating expenses estimated at \$1,522,932.

Additionally, two of applicant's customers appeared at the hearing to testify to their satisfaction with Logo's present service and their intention to continue using it into the future.

Need for applicant's expanded service is shown in this application by evidence that Logo's transportation service has created and fulfilled an increasing demand for airport shuttle service in his present territory, that he currently serves the proposed extended area by frequent charter-party contracts, that he receives many requests for airport service from points outside his currently authorized service area, and that, according to at least two witnesses, his transportation service is efficient and reliable.

Transportation Division Recommendation

Transportation Division staff participated in the hearing and recommended that the application be granted provided that applicant submit a list of all service points and a more clearly defined description of the territory sought to be served.

This was accomplished by the Commission's receipt of late-filed Exhibits 3 and 4 after the close of the public hearing.

Findings of Fact

1. Logo Express is a fit and proper corporation to hold a passenger stage certificate.
2. Operations will not be affected by the transfer of operating authority from Logo to Logo Express, and the transfer is not adverse to the public interest.
3. Logo Express has the ability, equipment, and financial resources to perform the proposed expanded passenger stage corporation service in the Los Angeles area.
4. Public convenience and necessity require the proposed expanded service.
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.
6. As this application involves a service territory expansion by an established carrier, this decision should take effect on the date of signing.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.
2. Public convenience and necessity have been demonstrated and a certificate expanding applicant's passenger stage service area as requested 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 Logo Express, Inc. authorizing it to operate as a

passenger stage corporation, as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in Appendix PSC-4615, 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 its 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. The certificate of public convenience and necessity granted by D.87-01-039 is revoked on the effective date of the tariffs.

4. 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.

5. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that it has evidence of insurance on file with the Commission and that the

A.88-08-032, A.89-05-046 ALJ/WRI/jc

California Highway Patrol has approved the use of applicant's vehicles for service.

6. The applications are granted as set forth above.

This order is effective today.

Dated SEP 7 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.

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

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Appendix A

LOGO EXPRESS, INC.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-4615

TO OPERATE AS

PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations,
exceptions, and privileges applicable thereto.

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.

This certificate supersedes all operative authority previously
granted to Joseph Logo or his predecessors by D.87-01-039.

Issued under authority of Decision 89 09 002, dated

SEP 7 1989 of the Public Utilities Commission of the
State of California in Applications 88-08-032 and 89-05-046.

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Appendix A

LOGO EXPRESS, INC.
PSC-4615

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Issued by the California Public Utilities Commission.

Decision 89 09 002, Applications 88-08-032 and 89-05-046.

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

Logo Express, Inc., 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-call, door-to-door basis, between points in the counties of Los Angeles, Orange, and San Bernardino, as described in Section 2, and Los Angeles International Airport (LAX), Burbank Airport (BUR), or 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 route 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 excepted those having a point of origin or destination at LAX, BUR, Los Angeles Harbor.
- (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.
- (e) 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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Appendix A

LOGO EXPRESS, INC.
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SECTION 2. SERVICE AREA DESCRIPTIONS.

Los Angeles County

Includes all points South of the Angeles National Forest, and bounded on the West and northwest by the geographical limits of the City of Los Angeles.

Orange County

Includes all points within the geographical limits of the following cities and communities (zip code areas):

Anaheim, Brea, Buena Park, Coasta Mesa, Cypress, Fullerton, Garden Grove, Huntington Beach, Irvine, La Habra, Los Alamitos, Newport Beach, Orange, Placentia, Santa Ana, Seal Beach, Stanton, Tustin, Westminster, Yorba Linda, Fountain Valley, Laguna Beach, La Palma, San Clemente, San Juan Capistrano, and

Midway City . 92655.

San Bernardino County

Includes all points within the geographical limits of the following cities and communities (zip code areas):

Chino, Montclair, Ontario, Upland, and

Guasti 91743.

SECTION 3. ROUTE DESCRIPTIONS.

Commencing at LAX, BUR, or Los Angeles Harbor, then via the most convenient streets and highways to any point within the service areas described in Section 2.

Issued by the California Public Utilities Commission.

Decision 89 09 002, Applications 88-08-032 and 89-05-046.