

Decision 89 10 008 OCT 1 2 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Michael Anthony and David Wayne)
Miller (co-partners), dba Star)
Shuttle, (PSC-1429) to establish a)
zone of rate freedom and fares from)
individual points for passenger)
stage service to and from Sacramento)
Metro Airport.)

Application 89-05-009
(Filed May 5, 1989)

ORIGINAL

OPINION

Michael A. Miller and David W. Miller, a partnership doing business as Star Shuttle, request authority to establish a zone of rate freedom (ZORF) pursuant to Public Utilities (PU) Code § 454.2 of no more than \$2 above and \$2 below their present per person rates between points in the greater Sacramento area and Sacramento Metropolitan Airport.

Notice of the filing of the application appeared in the Commission's Daily Calendar of May 11, 1989. No protests to the application have been received, and Transportation Division recommends that the application be granted by ex parte order.

Applicants state that they compete for passengers against taxicabs, limousines, and other passenger stage corporation vans and buses. They wish to operate within the proposed ZORF in order to be able to respond quickly to both changes in the market and the cost of doing business.

Findings of Fact

1. Applicants are a passenger stage corporation serving between Sacramento Metropolitan Airport and points in the greater Sacramento area.

2. In the conduct of their operations, they experience competition from forms of ground transportation substantially similar to their own.

3. Applicants request authority to establish a ZORF of not more than \$2 above and \$2 below their present per person fare.

4. Granting applicants their requested ZORF will enable applicants to respond quickly to both changes in the market and the cost of doing business.

5. The competitive transportation services will result in reasonable fares when considered along with the proposed ZORF.

6. The granting to applicants of an exemption to the long- and short-haul provisions of PU Code § 460 is appropriate in this case.

7. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. Before applicants charge any ZORF fares, they should first file such fares with the Commission on 10 days' notice.

3. The filing of a ZORF should be accompanied by a tariff amendment which shows for each ZORF point the high and low ends of the ZORF as well as its then current effective rate.

ORDER

IT IS ORDERED that:

1. Michael A. Miller and David W. Miller are authorized to establish fares within a Zone of Rate Freedom (ZORF) of not more than \$2 above and \$2 below their present per person fares.

2. Applicants shall file a tariff based on the ZORF on no less than 10 days' notice to the Commission and the public subject to Commission approval. This authority shall expire unless exercised within 60 days after the effective date of this order.

3. Any fare changes within their ZORF may be made by applicants by filing and amending their tariff on no less than

10 days' notice to the Commission and the public. The tariff shall include, for each fare point, the authorized maximum fare, the authorized minimum fare, and the fare to be actually charged.

4. Applicants are relieved from the provisions of the long- and short-haul requirements of Public Utilities Code § 460 in establishing the authorized ZORF fares.

5. In addition to posting and filing tariffs, applicants shall post a printed explanation of their fares in their fare passenger carrying vehicles and terminals. The notice shall be posted at least 5 days before the effective date of the fare changes and shall remain posted for at least 30 days.

6. The application is granted as set forth above.

This order is effective today.

Dated OCT 12 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.

- 3 -

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

100