

Decision 89 10 019

OCT 1 2 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Michael Anthony Miller & David Wayne)
Miller (co-partners), dba Star)
Shuttle (PSC-1429), to add door to)
door service between Zones 1, 2, 3,)
4, and 5 and the Sacramento)
Metropolitan Airport.)

Application 89-05-008
(Filed May 5, 1989)

OPINION

Michael Anthony Miller and David Wayne Miller, a partnership doing business as Star Shuttle, request authority under Public Utilities (PU) Code § 1031, et seq. to add on-call door-to-door service for the transportation of passengers and baggage between Sacramento Metropolitan Airport and points in Sacramento.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on May 10, 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, and Transportation Division recommends that the application be granted by ex parte order.

Applicants have been providing passenger stage corporation service to and from Sacramento Metropolitan Airport since November 13, 1987 pursuant to Decision 87-10-029, dated October 16, 1987. Their application states that they have two 15-passenger late-model vans.

A balance sheet dated April 14, 1989 attached to the application shows assets of \$34,000 and no liabilities.

Findings of Fact

1. Applicants have 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.
4. As no protests have been filed, this order should be effective immediately.
5. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated, and a certificate should be granted to applicants.

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 many 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 Michael Anthony Miller and David Wayne Miller, authorizing them to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in revised Appendix PSC-1429, to transport persons and their baggage.
2. Applicants 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 their 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, applicants shall notify the airport authority involved. This certificate does not authorize the holders to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

4. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to applicants that their evidence of insurance is on file with the Commission and that the California Highway Patrol has approved the use of applicants' vehicles for service.

5. 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.

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director
DD

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1429

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

This certificate supersedes all operative authority
previously granted to Michael Anthony Miller and David Wayne Miller
or its predecessors by D.87-06-016 or D.86-11-021.

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 10 019 dated OCT 12 1989,
of the Public Utilities Commission of the State of California in
Application 89-05-008.

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

Michael Anthony Miller and David Wayne Miller, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized as a passenger stage corporation to transport passengers and their baggage on an on-call basis between certain points in the City and County of Sacramento, on the one hand, and the Sacramento Metropolitan Airport (SMF), on the other hand, subject, however, to the authority of this Commission to change or modify this authority 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) No passengers shall be transported except those having point of origin or destination at the Sacramento Metropolitan Airport.
- (c) This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operations are authorized by the airport authority involved.
- (d) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which authorized on-call service shall be rendered.

Issued by California Public Utilities Commission.

Decision 89 10 019, Application 89-05-008.

SECTION 2. SERVICE AREAS DESCRIPTION.

Service Area 1. Downtown Sacramento.

Service Area 1 is bounded on the north by C Street, bounded on the west by Highway 5, bounded on the south by Broadway Street, and bounded on the east by Highway 80.

Service Area 2. West Sacramento.

Service Area 2 is bounded on the north by Elkhorn Boulevard, bounded on the west by Highway 5 and El Centro Road, bounded on the south by C Street, and bounded on the east by Highway 80.

Service Area 3. North Sacramento.

Service Area 3 is bounded on the north by Greenback Lane, bounded on the west by Highway 80, bounded on the south by Highway 50 and Jackson Road, and bounded on the east by Sunrise Boulevard.

Service Area 4. East Sacramento.

Service Area 4 is bounded on the north by Highway 50 and Jackson Road, bounded on the west by the Sacramento River, and bounded on the south by Meadowview Road to Franklin Boulevard to Mack Road to Elsie Avenue to French Road to Elder Creek Road.

Service Area 5. South Sacramento.

Service Area 5 is bounded on the west by Highway 80 to Industrial Boulevard to Jefferson Boulevard and bounded on the east by the Sacramento River to Highway 5.

Issued by California Public Utilities Commission.

Decision 89 10 619, Application 89-05-008.

SECTION 3. ROUTE DESCRIPTIONS.

Route 1. Sacramento - Sacramento Metropolitan Airport.

Commencing within service point within the City and County of Sacramento, then proceeding along the most appropriate streets and highways to the Sacramento Metropolitan Airport.