

Decision 89 11 005 NOV 3 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Airport Transporter)
for a certificate of public)
convenience and necessity to operate)
as a passenger, express stage)
service between points in Santa)
Clara and San Mateo Counties and the)
San Jose International Airport and)
San Francisco International Airport.)

Application 89-05-020
(Filed May 10, 1989)

OPINION

Kathleen Yamano (applicant), doing business as Airport Transporter, seeks a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between Morgan Hill and Gilroy, on the one hand, and San Francisco International Airport (SFO) and San Jose International Airport (SJS), on the other hand. The pick-up and drop-off points in Morgan Hill and Gilroy are as follows:

Morgan Hill Leavsley Inn, Murray Ave.
Gilroy Carls Jr., East Dunn Ave.

Applicant proposes to perform an on-call service six days per week (Monday thru Saturday) between the hours of 4:30 a.m. and 11:00 p.m. Applicant proposes using two 9-passenger luxury limousines which will be leased and covered by insurance as required under General Order 101-C.

Applicant proposes the following fares:

<u>Between</u>	<u>And</u>	<u>Amount</u>
Gilroy and Morgan Hill	SFO	\$35.00 (Adult) \$28.00 (6 to 12 yrs.)
Gilroy and Morgan Hill	SJS	\$30.00 (Adult) \$23.00 (6 to 12 yrs.)

Applicant alleges that:

"Public necessity and convenience require the granting of this application for the following reasons:

- "1. The services offered by applicant is different and distinct from any public transportation system currently being offered to the public in the proposed areas. While the concept of airport transportation certainly is not unique, there is no comparable alternate method of traveling from the points listed herein to the San Jose International Airport, San Francisco International Airport at the proposed fares and with the regularity and convenience proposed herein.
- "2. To applicant's knowledge, a Certificate of PC&N does not exist presently in the local area to provide direct daily service to airports with affordable fares."

Exhibit E, attached to the application, is a copy of applicant's balance sheet as of May 2, 1989. It discloses assets of \$220,900 offset by liabilities of \$102,000, a resultant net worth of \$118,900.

The application was served in accordance with Rule 21(K) of the Commission's Rules of Practice and Procedure. Notice of the filing of the application was published in the Commission's Daily Transportation Calendar of May 15, 1989. No protests to the granting of the application have been received.

Findings of Fact

1. Applicant seeks authority to perform operations as a passenger stage corporation between Morgan Hill and Gilroy, on the one hand, and SFO and SJS, on the other hand.
2. Applicant has the financial resources to provide the proposed service.
3. Public convenience and necessity require the issuance of a certificate to provide the proposed service.

4. No protests have been received.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application 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 Kathleen Yamano, authorizing her 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-6008 of this decision, 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 her 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 the airport authority involved.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that her evidence of insurance is 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 NOV 3 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.

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Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director

Appendix PSC-6008

Kathleen Yamano

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-6008

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 11 005,
dated NOV 3 1989, of the Public Utilities Commission of
the State of California in Application 89-05-020.

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Issued by California Public Utilities Commission.

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

Kathleen Yamano, 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" basis, between Morgan Hill and Gilroy, on the one hand, and San Francisco International Airport (SFO) and San Jose Airport (SJS), on the other hand, over and along the route described, subject, however, to the authority of this Commission to change or modify the route 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 a point of origin or destination at either SFO and SJS.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

Santa Clara County

City or Community

Morgan Hill
Gilroy

SECTION III. ROUTE DESCRIPTIONS.

Commencing from any point in the service area of Santa Clara County described above to either the San Francisco International Airport or San Jose Airport.

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