

Decision 89 11 048 NOV 2 2 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of)
 Airport Commuter, Inc., for)
 authority to operate as a Passenger)
 Stage Corporation between certain)
 portions of Santa Barbara, Ventura,)
 Los Angeles, Kern, San Bernardino,)
 Riverside, and Orange Counties, and)
 the Los Angeles International)
 Airport (LAX), Burbank Airport)
 (BUR), Long Beach Airport (LGB),)
 John Wayne Airport (SNA), Ontario)
 International Airport (ONT), Union)
 Station (AMTRACK), and the Los)
 Angeles and Long Beach Harbors.)

Application 89-05-024
(Filed May 12, 1989)

Ralph W. Crawford, for Airport Commuter,
 Inc., applicant.
 S. E. Rowe, by K. D. Walpert, for
 Department of Transportation, City of
 Los Angeles, interested party.
MacDonald Ebi Esule, for the Transportation
 Division.

O P I N I O N

Airport Commuter, Inc., a California corporation,
 requests authority under Public Utilities (PU) Code § 1031, et seq.
 to establish and operate a passenger stage corporation service for
 the transportation of passengers and their baggage between certain
 portions of Santa Barbara, Ventura, Los Angeles, Kern, San
 Bernardino, Riverside, and Orange Counties, on the one hand, and
 the Los Angeles International, Burbank, Long Beach, John Wayne, and
 Ontario Airports, Los Angeles Union Station, and Los Angeles and
 Long Beach Harbors, on the other hand.

The application was timely protested by Santa Barbara
 Airbus (PSC-1262) and by Great American Stageline, Inc. (PSC-962).

On July 14, 1989, the Los Angeles Department of Transportation (LADOT) filed a Motion to Accept Late-Filed Protest, but this motion was denied by Administrative Law Judge's Ruling on August 9, 1989 which found insufficient grounds having been alleged to warrant late receipt of the protest. We affirm that ruling.

A duly noticed public hearing was held in Los Angeles on August 15, 1989, and the matter was submitted upon receipt of the transcript on August 25, 1989. LADOT attended the hearing as an interested party, but neither of the two protestants appeared.

Applicant's Evidence

Ralph W. Crawford (Crawford), president of Airport Commuter, Inc., presented applicant's case throughout the hearing, utilizing a letter of instructions to transportation service applicants prepared by the Division of Administrative Law Judges as a guide.

Crawford testified that he had conducted a survey of travel agents in the outlying districts of Los Angeles to determine whether there was a need for his proposed service. He sent out about 430 letters and received a response from 36.8 percent of the recipients, indicating that there would be 363 people every day looking for transportation in applicant's proposed service area.

Applicant's complete survey was introduced into evidence.

Crawford stressed that several of the areas he seeks to serve do not now have an on-call 24-hour door-to-door shuttle service--Bakersfield, Santa Barbara, and communities in Ventura County.

The witness supplemented his survey with nine letters of support and character reference from individuals. One member of the public appeared to personally endorse applicant's proposed transportation enterprise.

Applicant's balance sheet shows total assets of \$100,000, including cash and savings of \$90,000, and no liabilities as of August 1, 1989.

Crawford believes that the entrepreneurial skills he has acquired over the last 18 years as owner-manager of a mortuary business regulated by the State of California will enable him to successfully engage in passenger stage corporation management.

Applicant projects that it will lease 24 late model vans at a monthly rental of \$345 per vehicle if it is granted a certificate of public convenience and necessity.

Zone of Rate Freedom

The application requests the establishment of a zone of rate freedom (ZORF) pursuant to PU Code § 454.2.

As applicant is not yet certified, the application does not and could not allege facts necessary to establishment of a ZORF. Accordingly, a ZORF will not be authorized by this decision.

Waiver of Proposed Decision

After the close of hearing in this matter and pursuant to the suggestion of the Administrative Law Judge, applicant sent a letter in which it waived the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure).

The motion of waiver is granted as the entities protesting this application did not appear at the scheduled hearing.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
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. This application involves transportation service to some currently unserved communities.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.

2. As this application involves transportation service to some currently unserved communities, the order should be effective on the date of signing.

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 Airport Commuter, Inc., authorizing it 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-5827, 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. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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

This order is effective today.

Dated NOV 2 2 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

- 5 -
WESLEY FRANKLIN, Acting Executive Director

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Appendix PSC-5827

Airport Commuter, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-5827

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 11 048, dated
NOV 2 2 1989, of the Public Utilities Commission of the
State of California in Application 89-05-024.

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Issued by California Public Utilities Commission.

Decision 89 11 048, Application 89-05-024.

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

Airport Commuter, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to provide on-call, door-to-door services to transport passengers and their baggage between points in the counties of Santa Barbara, Ventura, Los Angeles, Kern, San Bernardino, Riverside, and Orange, described in Section 2, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), Ontario Airport (ONT), John Wayne Airport (SNA), Los Angeles Amtrak Station, Los Angeles and Long Beach Harbors, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes 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 also authorized by the airport's governing body.
- (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 except those having a point of origin or destination at LAX, BUR, LGB, SNA, ONT, Los Angeles/Long Beach Harbors, or Los Angeles Amtrak Station.
- (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 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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SECTION 2. SERVICE AREA DESCRIPTIONS.

On-Call, Door-to-Door Service

Los Angeles County

All points within the geographical limits of Los Angeles County.

Orange County

All points northwest of Sand Canyon Avenue, and West of the Cleveland National Forest.

Santa Barbara County

All points within the cities of Santa Barbara and Carpinteria, and the following zip code communities:

Summerland	93067
Montecito	93108
Goleta	93117
*Isla Vista	93117

*(South of Cathedral Oaks Rd., West of Memorial Ward Blvd. and Kellogg Ave., and East of Storke Rd.)

Kern County

All points within the City of Bakersfield.

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SECTION 2. SERVICE AREA DESCRIPTIONS. (Continued)

San Bernardino County

All points within the cities of: Chino, Fontana, Redlands, Rialto, San Bernardino, Colton, Adelanto, Grand Terrace, Montclair, Rancho Cucamonga, Upland, Victorville, and Highland.

Riverside County

All points within the cities of: Riverside, Corona, and Norco.

Ventura County

All points within the cities of: Ventura, Simi Valley, Fillmore, Thousand Oaks, Oxnard, Ojai, Moorpark, Camarillo, Port Hueneme, and Santa Paula.

SECTION 3. ROUTE DESCRIPTIONS.

Commencing at any point within the authorized service area described in Section 2, then via the most convenient streets and highways to LAX, SNA, Los Angeles Amtrak Station, Los Angeles Harbor or Long Beach Harbor.

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