

Decision 90 01 042 JAN 24 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLES VICTOR PALMINTERI and )  
JAMES M. COPPULA, A General )  
Partnership, dba AM PM AIRPORTER )  
TRANSIT, to sell and transfer and )  
WILFRED PADILLA PASCO and JAMES M. )  
COPPULA, A General Partnership, dba )  
AM PM AIRPORTER TRANSIT, to acquire )  
and purchase a certificate of public )  
convenience and necessary to operate )  
a passenger stage service between )  
Whittier and other points, and Los )  
Angeles International Airport. )

Application 89-07-025  
(Filed July 13, 1989)

O P I N I O N

Charles Victor Palminteri and James M. Coppula (transferor), a general partnership, and Wilfred Padilla Pasco and James M. Coppula (transferee), a general partnership doing business as AM PM Airporter Transit, jointly apply for authority to transfer transferor's passenger stage authority (PSC-1329) to transferee pursuant to California Public Utilities (PU) Code Section 851, et seq.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar on July 20, 1989. No protests have been received, and Transportation Division recommends that the application be granted by ex parte order.

Transferor presently conducts an airport shuttle service between Los Angeles International Airport and the communities of Commerce, Downey, La Mirada, Montebello, and Whittier as more particularly set forth in Decision (D.) 84-03-030.

The application states that transferee's partnership obtained a charter party permit (TCP-005211-P) on January 14, 1989, and operations are being conducted under that authority with revenues projected to be \$70,000 through December 1989. Balance sheets supplied at the request of Transportation Division show James M. Coppula to have net worth of \$140,000 and Wilfred Padilla Pasco to have net worth of \$13,455.

A reason given for the proposed transfer is that Charles Victor Palminteri wishes to retire from the transportation business. The partners succeeding to the retiring partner's interest have a combined experience of more than 13 years in the business of passenger carriage, according to the application.

Findings of Fact

1. Transferee has the ability, experience, equipment, and financial resources to assume and conduct the existing service sought to be transferred.
2. Public convenience and necessity require the transfer of authority from transferor to transferee.
3. As there have been no protests, a public hearing is not necessary.
4. It can be seen with certainty that there is no possibility that the transfer of existing authority or the conduct of service within such authority may have a significant effect on the environment.
5. As this transfer contemplates the continuance of an existing business, this decision should be effective upon the date of signing.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

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.

O R D E R

IT IS ORDERED that:

1. By March 31, 1990, Charles Victor Palminteri and James M. Coppula (transferor), a general partnership, may sell and transfer the operative rights and property specified in the application to Wilfred Padilla Pasco and James M. Coppula (transferees), a general partnership.

2. Transferees shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, the California Highway Patrol (CHP) safety rules.
- d. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- 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. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is

granted to transferees, 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 Appendix PSC-5211, to transport persons and baggage.

4. The certificate of public convenience and necessity granted by D.84-03-030 dated March 7, 1984 is revoked on the effective date of the tariffs.

5. Transferees are authorized to begin operations on the date that the Executive Director mails a notice to transferees that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of transferees' vehicles for service.

6. If the transfer is not consummated March 31, 1990, the authority granted in Ordering Paragraph 1 shall lapse.

This order is effective today.

Dated JAN 24 1990, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANIAN  
PATRICIA M. ECKERT  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

T/MEE/obi

Appendix PSC-5211

Wilfred Padilla Pasco  
and  
James M. Coppula

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-5211

TO OPERATE AS

PASSENGER STAGE CORPORATION

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

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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.

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This certificate supersedes all operative authority  
previously granted to Charles Victor Palminteri and James M. Coppula  
or their predecessors by D.84-03-030.

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Issued under authority of Decision 90 01 042, dated  
JAN 24 1990 of the Public Utilities Commission of the  
State of California in Application 89-07-025.

T/MBE/ebi

Appendix PSC-5211

Wilfred Padilla Pasco  
and  
James M. Coppula

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Decision 90 01 042, Application 89-07-025.

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

Wilfred Padilla Pasco and James M. Coppula, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers and baggage, on-call, door-to-door basis, between Los Angeles International Airport (LAX) and certain points in Los Angeles County, described in Section 2, 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 except those having a point of origin or destination at LAX.
- (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.

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Appendix PSC-5211

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and  
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SECTION 2. SERVICE AREA DESCRIPTION.

Includes all points within the geographical limits of the Cities of Commerce, Downey, La Mirada, Montebello, and Whittier.

SECTION 3. ROUTE DESCRIPTION.

Commencing at LAX, then via the most convenient streets and highways to any of the service points described in Section 2.

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