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MAR 28 1990

Decision 90-03-066 March 28, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 David Regwan, dba ALL AMERICAN)
 SHUTTLE, for a certificate of public)
 convenience and necessity to operate)
 as a passenger stage corporation)
 between points in Los Angeles County)
 and points in certain portions of)
 Ventura and Orange County on the)
 one hand, and Los Angeles Interna-)
 tional (LAX) Airport, Burbank (BUR))
 Airport, Long Beach (LGB) Airport,)
 John Wayne Orange County (SNA))
 Airport, Ontario (ONT) Airport,)
 Antrak Union Station and Los)
 Angeles and Long Beach Harbors)
 on the other hand.)

Application 89-08-029
 (Filed August 17, 1989)

William A. Turkish, Attorney at Law, for
 David Regwan, applicant.
 S. E. Rowe, by K. D. Walpert, for the
 Department of Transportation, City of
 Los Angeles; Breton K. Lobner,
 Attorney at Law, for the Department of
 Airports, City of Los Angeles;
 protestants.
 James P. Jones and Victor G. Baffoni, for
 United Transportation Union,
 interested party.

O P I N I O N

David Regwan (applicant), doing business as All American Shuttle, requests authority under Public Utilities (PU) Code § 1031, et seq., to establish and operate an on-call passenger stage corporation service for the transportation of passengers and their baggage between points in the Counties of Ventura, Los Angeles, and Orange, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport, Long Beach Airport, Ontario

Airport, John Wayne Airport, Los Angeles Antrak Station, and Los Angeles and Long Beach Harbors, on the other hand.

Protests having been filed by the Los Angeles Department of Transportation (LADOT) and by the Los Angeles Department of Airports (LADOA), a duly noticed public hearing was held before Administrative Law Judge (ALJ) Orville I. Wright in Los Angeles on October 31, 1989, and the matter was submitted upon the filing of the transcript on December 26, 1989.

Applicant's Evidence

Applicant has been employed as a taxicab driver in the Los Angeles area for the past nine years.

In addition, he has earlier experience as owner and operator of an export and import business, managing some 30 employees.

Applicant states that need for additional van services at airports is shown by the tremendous growth in airline travel and related ground transportation which has occurred since airline deregulation in 1978 (Decision (D.) 89-10-028, October 12, 1989).

Four public witnesses appeared at the hearing to support the application and testify to the good moral character and business acumen of the applicant.

Additionally, applicant conducted an informal survey of his taxicab passengers destined for LAX. He obtained 130 positive responses to a form letter stating that the intending passenger would use applicant's van service if it was prompt, dependable, and reasonably priced.

Applicant presented a balance sheet dated August 9, 1989, showing \$377,500 in assets, including \$29,000 cash in bank, and liabilities of \$124,000.

Applicant proposes to utilize 10 new 7-passenger vans in transportation service if his application is granted.

Protestant's Evidence

LADOA presented a resolution of the Los Angeles Board of Airport Commissioners (Board) which imposed a temporary moratorium on the granting of further on-call van permits for passenger service from LAX and authorized the City Attorney to file opposition with the Commission opposing all new on-call passenger stage corporation service both to and from LAX (Resolution 16832, September 13, 1989).

However, evidence adduced by protestant in support of the resolution is not discussed as LADOA's protest was withdrawn. After the close of public hearings before the Commission in this case, the City Attorney advised the ALJ that the Board adopted a motion to exempt applicant from the moratorium imposed in Resolution 16832 because applicant had filed his application to the Commission prior to the Board's moratorium action.

Waiver of Proposed Decision

At the close of the hearing, applicant moved to waive the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure).

We will grant the motion as there is no showing that the filing and comment procedure is in the public interest.

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. LADOA has withdrawn its protest.

Conclusions of Law

1. Since all protests have been withdrawn, the order should be effective on the date of signature.

2. Public convenience and necessity have been demonstrated and a certificate 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to David Regwan, authorizing him 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-5998, 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 his 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 101, 104, and 158, 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 his 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.

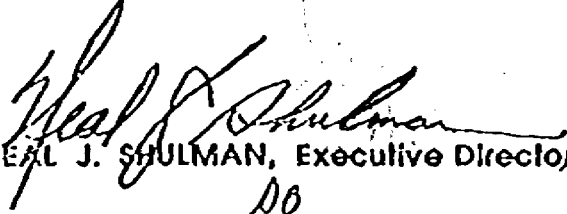
5. The application is granted as set forth above.

This order is effective today.

Dated MAR 28 1990, 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


NEAL J. SHULMAN, Executive Director
DB

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-5998

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 90 03 066, dated
MAR 28 1990 of the Public Utilities Commission of the
State of California in Application 89-08-029.

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Issued by California Public Utilities Commission.

Decision 90 03 066, Application 89-08-029.

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

David Regwan, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to provide on-call, door-to-door, passenger stage services to transport passengers and their baggage between points in the counties of Ventura, Los Angeles, and Orange, on the one hand, 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, on the other hand, 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 authorized by 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, BUR, LGB, ONT, SNA, Los Angeles Amtrak Station, or Los Angeles/Long Beach Harbors.
- (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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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 within the geographical limits of Orange County.

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, BUR, LGB, SNA, Los Angeles Amtrak Station, or Los Angeles/Long Beach Harbors.

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