

Decision 90 07 005 JUL 6 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Deluxe Express Service, Inc., dba)
Deluxe Express, for authority to)
operate as a passenger stage)
corporation between Northern and)
Southern California.)

Application 90-03-034
(Filed March 23, 1990)

O P I N I O N

Deluxe Express Service, Inc., dba Deluxe Express (applicant), seeks a passenger stage certificate of public convenience and necessity to operate a luxury service between San Francisco Bay Area cities and cities in San Fernando Valley and Los Angeles via Route 5. Northern passengers will be picked up and dropped off at selected BART stations. Applicant will seek approval of this arrangement from BART.

It is alleged that the proposed service is different from that offered by competitive carriers. Fares will be \$59.00 per one-way trip, \$99.95 per round trip, with a grand opening special of \$39.00 one way. Applicant plans two southbound schedules per day.

Applicant now operates a tractor-trailer and holds a valid Class A driver's license. On May 4, 1990, Transportation Division (Division) forwarded an Advice of Participation recommending that the certificate be granted.

The Division, however, found that some of applicant's proposed rules were unreasonable, specifically those barring cash refunds and voiding a ticket 12 hours after departure of the run for which a ticket is issued. Division will negotiate with applicant so that no unreasonable rule is accepted for filing. Notice of filing appeared in the Commission's Daily Calendar on March 28. No protests have been received.

Findings of Fact

1. No public hearing is necessary.
2. Public convenience and necessity require the service proposed by applicant.
3. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.
4. The Commission should not approve the proposed rules.
5. The order should be effective immediately to allow applicant maximum revenues from summer operations.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Deluxe Express Service, Inc., dba Deluxe Express, a corporation, 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-6415, 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 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 its 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. Before using any Bay Area Rapid Transit District station as a scheduled stop, applicant shall obtain consent in writing from District and shall provide a copy to the Director of the Transportation Division.

6. The application is granted as set forth above.
This order is effective today.

Dated JUL 6 1996 , 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

T/MM/mm

Appendix PSC-6415

Deluxe Express
Service, Inc.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-6415

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 07 005,
dated JUL 6 1990, of the Public Utilities Commission of
the State of California in Application 90-03-034.

I N D E X

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. ROUTE DESCRIPTION	3
SECTION III. SERVICE AREAS	4

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

Deluxe Express Service, Inc., 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 a regularly scheduled service, between certain points in the Cities of San Francisco and Oakland, on the one hand, and the Cities of San Fernando and the downtown area of Los Angeles, on the other hand, over and along the routes described in Section III, 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. No passengers shall be transported between the cities of San Francisco and Oakland or between the cities of San Fernando and Los Angeles.

Issued by California Public Utilities Commission.

Decision 90 07 005, Application 90-03-034.

SECTION II. SERVICE AREAS.

The Cities of Oakland, San Francisco, San Fernando,
and downtown Los Angeles.

SECTION III. ROUTE DESCRIPTION.

Commencing from the City of San Francisco, then over
the most appropriate streets and highways into the Cities of
Oakland, San Fernando and downtown Los Angeles.

Issued by California Public Utilities Commission.

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