

Decision 90 07 049 JUL 18 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Associated Limousine Operators of San Francisco, Inc. a cooperative for authority to add additional passenger stage service between points in San Francisco, San Mateo County, Marin County, Alameda County, Contra Costa County, Santa Clara County and the San Francisco International Airport.

Application 84-08-089 (Petition for Modification of D.86-01-046 filed April 13, 1989; and February 28, 1990)

O P I N I O N

Petitioner Associated Limousine Operators of San Francisco, Inc. (ALO) has filed two separate pleadings to modify its passenger stage certificate (PSC-1005). The certificate authorizes operations to and from San Francisco Airport by ALO's owner-operator members.

In the first pleading, ALO proposed to remove a restriction originally imposed in Decision 86459 in Application 56228. The restriction prohibited ALO from allowing anyone who is not one of its owner-operator members to act as driver.

The second pleading proposed a major change in the character of ALO's operation. Instead of being restricted to airport service, ALO would have been able to provide door-to-door service between any two points throughout much of the Bay Area. In addition, it proposed that its current airport operations be expanded to include San Jose and Oakland airports.

A prehearing conference was held before ALJ Gilman on April 3, 1990. The Transportation Division (Division) representative indicated that it would have no objection to the first proposal, if it were made clear that vehicles can only be driven by either one of the owner-operator members or by a bona fide employee of ALO itself.

This recommendation is consistent with the requirements of Paragraph 5.03 of General Order (GO) 158, which requires drivers to be either the holder of passenger operating authority or the employee of such holder. ALO agreed to the Division recommendation.

The Division was dissatisfied with ALO's second petition, suggesting that the proposed authority was so broad that it might be interpreted as allowing ALO to compete directly with true taxi services which are subject to local regulation.

We note that Paragraph 3.02 of GO 158 is designed to avoid jurisdictional conflicts between passenger stage operations regulated by this Commission and locally regulated taxi service; it prohibits passenger stages from operating taxi service. It appears that ALO's proposed authority was broad enough to justify Division's concern over the policy expressed in that Paragraph 3.02.

Applicant eventually responded to this problem by dropping its request to engage in non-airport service.

As modified to meet Division objections, both of ALO's requests are consistent with Commission policies as reflected in GO 158. Since there are no protests and since Division now has no objection to the modified proposals, the petitions should be granted.

Findings of Fact

1. There have been no protests and no evidentiary hearing is necessary.
2. Public convenience and necessity require the extension of applicant's service to San Jose and Oakland airports.
3. The public interest does not require that ALO continue to be prohibited from using its employees to operate ALO vehicles in passenger stage service.

4. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

5. Since this order is not controversial, it should be made effective today.

Conclusions of Law

1. ALO should no longer be prohibited from using employees as drivers.

2. ALO should be authorized to extend its service to Oakland and San Jose airports.

3. ALO's certificate should be amended to grant the petitions in part.

O R D E R

IT IS ORDERED that:

1. The passenger stage certificate of public convenience and necessity (PSC-1005) issued to Associated Limousine Operators of San Francisco, Inc. is amended by substituting Fourth Revised Page 2 cancels Third Revised Page 2, Third Revised Page 3 cancels Second Revised Page 3, and Second Revised Page 4 cancels First Revised Page 4, as set forth in Appendix to this Decision.

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 the tariffs and timetables effective on 10 or more days after the date of this order.

- 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. Applicant is authorized to begin the expanded operations on the date that the Executive Director mails a notice to the applicant that he has evidence of insurance on file with the Commission, the California Highway Patrol has approved the use of applicant's vehicles for service and it has complied to the above Ordering Paragraph 2.

4. 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.

5. The petitions are granted in part. To the extent that they are not granted, they are denied.

This order is effective today.

Dated JUL 18 1990, at San Francisco, California.

G. MITCHELL WALK
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


REEL J. SHULMAN, Executive Director

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

Associated Limousine Operators of San Francisco, Inc., a corporation, 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 points in the Counties of Alameda, Contra Costa, Marin, Santa Clara, San Francisco, and San Mateo, on the one hand, and San Francisco (SFO), *San Jose (SJN), and *Oakland (OAK) International Airports, 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. 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.
- b. Service shall be provided in luxury sedan limousines with a seating capacity of one driver and eight passengers.
- c. No passengers shall be transported except those having a point of origin or destination at either SFO, *SJN or *OAK.

Issued by California Public Utilities Commission.

*Revised by Decision 90 07 049, Application 84-08-089.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- d. Service will be provided 24 hours per day, seven days per week, including Saturdays, Sundays, and holidays.
- e. *Deleted. Formerly on First Revised Page 4.
- f. *Deleted. Formerly on First Revised Page 4.
- g. 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.
- h. When route description is given in one direction, they apply to operation in either direction unless otherwise indicated.

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*Revised by Decision 90 07 049, Application 84-08-089.

Appendix PSC-1005

Associated Limousine
Operators of San Francisco, Inc.
(a corporation)

Second Revised Page 4
cancels
First Revised Page 4

SECTION II. ROUTE DESCRIPTION.

Commencing from any point within the Counties of Alameda, Contra Costa, Marin, Santa Clara, San Francisco, and San Mateo via the most convenient streets and highways to San Francisco, *Oakland, and *San Jose International Airports.

Issued by California Public Utilities Commission.

*Revised by Decision 90 07 049, Application 84-08-089.