

Decision 90 10 056 OCT 24 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Philip Nicola, dba Downtown Shuttle,)
to amend its Certificate of Public)
Convenience and Necessity as a)
Passenger Stage to add a door-to-)
door service in the City of)
Sacramento.)

ORIGINAL
Application 90-04-024
(Filed April 13, 1990)

O P I N I O N

Philip Nicola, doing business as Downtown Shuttle, operates a passenger stage corporation (PSC-1402) out of Sacramento. Applicant holds a certificate of public convenience and necessity (CPCN) authorizing it to provide transportation of passengers and baggage between the Sacramento Metropolitan Airport (Sacto) and the City of Sacramento and Yolo County.

By this application, applicant seeks additional authority to provide on-call door-to-door service between Sacto and the City of Sacramento. Applicant requests that it be authorized to use its current fares for the proposed new service.

Applicant states that it has received numerous requests for the proposed service from residents, corporations, and visitors to Sacramento. Additionally, applicant believes that the rapid growth of the Sacramento area supports the need for the service.

Applicant proposes to make the on-call door-to-door service available seven days a week, excluding holidays, from 8:00 a.m. to 11:00 p.m.

Applicant had assets and liabilities of \$69,028, and a net worth of \$53,628, as of December 31, 1989, according to the balance sheet attached to the application.

Applicant provided notice to the city and county government entities involved and to the regional transit. Notice

of the filing appeared in the Daily Transportation Calendar of April 20, 1990.

The Transportation Division (TD) reviewed the application and recommends that in the absence of protest, the application be granted by ex parte order.

There are no protests to the application; therefore, a hearing is not necessary.

The certificate authority requested by applicant is in the public interest. The additional service between Sacto and the City of Sacramento should promote utilization of applicant's services. As noted in the application, the availability of the proposed service should benefit the environment and the public through the resultant reduction of private vehicles on the road.

TD prepared a proposed CPCN which reflects applicant's request.

Findings of Fact

1. Applicant currently provides passenger stage service between Sacto and the City of Sacramento and Yolo County.
2. Applicant proposes to provide on-call door-to-door service between Sacto and the City of Sacramento.
3. No protest to the application has been received.
4. Public convenience and necessity require that the proposed service expansion be established.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and the application should be granted as set forth in the order.
2. The order should be effective on the date signed because public convenience requires prompt commencement of the proposed service.

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 features of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity granted to Philip Nicola, authorizing him to operate as a passenger stage corporation as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in Appendix PSC-1402, to transport persons and baggage, is amended by Second Revised Pages 1, 2, and 3 which cancels Original Pages 1, 2, and 3.

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 showing the mandatory or reservation-only stops 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 the expanded 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. This application is granted as set forth above.

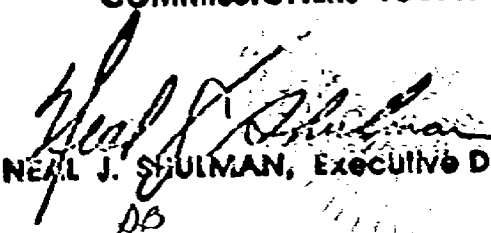
This order is effective today.

Dated OCT 24 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULLETT
PATRICIA M. ECKERT
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

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


NEAL J. STULMAN, Executive Director
DB

Appendix PSC-1402

Philip Nicola

Second Revised Page 1
Cancels
First Revised Page 1SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Philip Nicola, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage on an "on-call" basis, between the *City of Sacramento and the points listed in Section 3, on the one hand, and Sacramento Metropolitan Airport (SMF), 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. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. 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.
- c. No passengers shall be transported except those having a point of origin or destination at SMF.

Issued by California Public Utilities Commission.

*Revised by Decision 90-10-056, Application 90-04-024.

Appendix PSC-1402

Philip Nicola

Second Revised Page 2

Cancels

First Revised Page 2

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

- d. 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.
- e. *Service shall be provided on an "on-call" basis between any point within the City of Sacramento, on the one hand, and SMF, on the other hand.

Issued by California Public Utilities Commission.

*Revised by Decision 90-10-056, Application 90-04-024.

Appendix PSC-1402

Philip Nicola

Second Revised Page 3
Cancels
First Revised Page 3

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1

Beginning at one or more of the points in Section 3 then by the appropriate streets or highways to Interstate Highway 5 then over Interstate Highway 5 and the airport access road to SMF.

Route No. 2*

Beginning at any point within the City limits of Sacramento then over the most appropriate streets and highways to SMF.

Issued by California Public Utilities Commission.

*Revised by Decision 90-10-056, Application 90-04-024.