

Decision 90 11 019 NOV 08 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BayPorter Express)
(PSC-1442) to establish a zone of)
rate freedom and individual fares)
for passenger stage service between)
points in authorized service area)
and the San Francisco, San Jose, and)
Oakland Airports.)

ORIGINAL
Application 90-08-031
(Filed August 15, 1990)

O P I N I O N

BayPorter Express (applicant), a California corporation, requests authority to establish a Zone of Rate Freedom (ZORF) under Public Utilities (PU) Code § 454.2 between points within its authorized service area, and to deviate from the long- and short-haul provisions of PU Code § 460.

Applicant conducts operations as a passenger stage corporation for the transportation of passengers and their baggage between points in the Counties of Alameda, Contra Costa, San Mateo, and Santa Clara, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand. It states that it is operating in competition with other passenger stage corporation transportation services in the areas it serves. It is alleged that these competitive transportation services will result in reasonable rates when considered with the ZORF requested in the application.

Applicant proposes a ZORF structured on the first person fare. Present fares that are between the range of: (a) \$10-\$20 will have a ZORF of \$5; (b) \$21-\$30 will have a ZORF of \$10; and (c) \$31 and above will have a ZORF of \$15.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on August 22, 1990. No

protests have been received and Transportation Division recommends ex parte approval of the application.

Findings of Fact

1. Applicant is operating in competition with other substantially similar passenger stage transportation services.
2. Applicant proposes a ZORF at fares that are:
 - a. \$5 above or below its present first person fare within a range of \$10-\$20.
 - b. \$10 above or below its present first person fare within a range of \$21-\$30.
 - c. \$15 above or below its present first person fare of \$31 or more.
3. The competitive transportation services will result in reasonable rates when considered with the ZORF authorized below.
4. The granting of an exemption from the long- and short-haul provisions of PU Code § 460 is appropriate in this case.
5. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. Before applicant charges rates under the ZORF authorized below, 10 days' notice should be given to the Commission.
3. The filing of ZORF rates should be accompanied by a tariff amendment showing for each route the high and low ends of the ZORF and the then currently effective rate.
4. No rate should be reduced to zero by application of the ZORF.
5. In order to make the proposed rate changes available as soon as possible, the following order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. BayPorter Express (applicant) is authorized to establish fares within a Zone of Rate Freedom (ZORF) of:

- a. \$5 above or below its present first person fare within a range of \$10-\$20.
- b. \$10 above or below its present first person fare within a range of \$21-\$30.
- c. \$15 above or below its present first person fare of \$31 or more.

2. Applicant shall file a ZORF tariff on not less than 10 days' notice to the Commission and to the public and subject to Commission approval. The ZORF authority shall expire unless exercised within 60 days after the effective date of this order.

3. Applicant may make rate changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include for each route the authorized maximum and minimum rates and the rate to be charged.

4. Applicant is exempted from the long- and short-haul provisions of Public Utilities Code § 460 in setting the authorized ZORF rates.

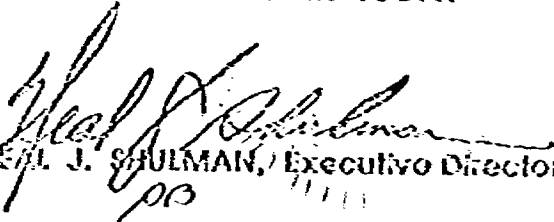
5. In addition to posting and filing proposed tariff changes, applicant shall post notices explaining rate changes in its terminals and passenger-carrying vehicles. The notices shall be posted at least 5 days before the effective date of the rate changes and shall remain posted for at least 30 days.

6. The application is granted as set forth above.
This order is effective today.
Dated NOV 08 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director