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Decision 91-03-010 March 13, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
MICHELINE GUERIN, an individual, )	
doing business as ADVENTOURS/BURBANK )	
EXPRESS, to transfer certain )	
property and a Certificate of Public )	Application 90-08-073
Convenience and Necessity and )	(Filed August 30, 1990)
DESERT HOLIDAY BROKER'S, INC., a )	
California corporation to acquire, )	
pursuant to Section 851, et seq., of )	
the Public Utilities Code. )	

O P I N I O N

Micheline Guerin, an individual, doing business as Adventours/Burbank Express (seller), and Desert Holiday Broker's, Inc., a California corporation (buyer), seek to transfer from the seller to the buyer the certificate of public convenience and necessity (CPC&N) which was issued to seller by Decision 82-02-054, dated February 4, 1982.

Buyer does not hold any operating authority from the Commission. However, buyer asserts that the Chairman of its Board of Directors, Hooman Davoodi, is also the Chairman and Chief Executive Officer of Exacta Express, a Commission-licensed messenger service with the assigned "T" number T-161,454. Buyer contends that since 1989, Davoodi has assisted seller with the operation of the service being transferred.

The service being transferred is in operation as a passenger stage corporation carrying passengers from specified points in downtown Los Angeles, on the one hand, and Burbank-Glendale-Pasadena Airport, on the other hand.

Buyer will continue to render service to the public in compliance with the requirements of the CPC&N and will adopt the

tariff and timetables of seller or reissue new tariff and timetables in accordance with the appropriate General Orders.

Buyer has the necessary financial ability to continue the service now being operated by seller. Buyer also has the necessary ability to purchase the vehicles needed to provide the service. A list of vehicles to be transferred from seller to buyer is included in Exhibit D attached to the application.

Seller has been servicing the stops covered by the CPC&N sought to be transferred for a period of eight years. Buyer is ready, willing, and able to purchase the certificate and carry on the operation, and the transfer is in the best interest of the public. The public will not be adversely affected by the granting of the authority to transfer the certificate.

No party has protested the application.

Findings of Fact

1. The transfer of the certificate to buyer is in the best interest of the public.
2. The public will not be adversely affected by the granting of the authority to transfer the certificate.
3. The transferee has the ability and financial resources to perform, the service to be transferred.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

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.

ORDER

IT IS ORDERED that:

1. Within 180 days from the effective date of this order, Micheline Guerin may sell and transfer the operative rights and property specified in the application to Desert Holiday Broker's, Inc. (buyer).

2. Buyer shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue Adventours/Burbank Express' (seller) tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do do.

3. If the transfer is completed, on the effective date of buyer's tariffs, a certificate of public convenience and necessity (CPC&N) is granted to buyer 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-6896, to transport persons, baggage, and/or express.

4. Operations may begin on the date that the Executive Director mails a notice to buyer that his evidence of insurance is on file with the Commission and that the CHP has approved the use of buyer's vehicles and terminal for service.

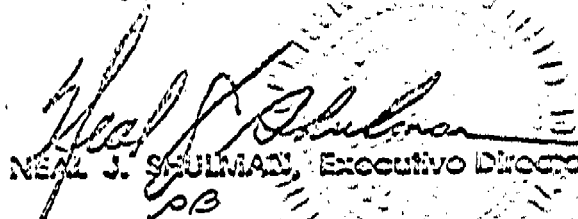
5. The CPC&N granted by Decision 82-02-054 is revoked on the effective date of buyer's tariffs.

This order becomes effective 30 days from today.

Dated March 13, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL WM. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SCHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-6896

DESERT HOLIDAY BROKER'S, INC.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-6896

TO OPERATE AS

PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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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.

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This certificate supersedes all operative authority previously granted to Micheline Guerin or its predecessors by D.82-02-054 dated February 4, 1982, in Application 61062.

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Issued under authority of Decision 91-03-010, dated  
March 13, 1991 of the Public Utilities Commission of the  
State of California in Applications 90-08-073.

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Appendix PSC-6896

DESERT HOLIDAY BROKER'S, INC.

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

Desert Holiday Broker's, 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-call basis, between specific points in downtown Los Angeles, described in Section 2, and Burbank Airport (BUR), over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the route 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 excepted those having a point of origin or destination at BUR.
- (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 specific stops.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

Los Angeles (Hotels/Motels)

1. Biltmore Hotel
2. Bonaventure Hotel
3. Los Angeles Hilton Hotel
4. Figueroa Holiday Inn
5. New Otani Hotel
6. Sheraton Townhouse
7. Los Angeles Greyhound Station

SECTION 3. ROUTE DESCRIPTIONS.

Route 1. On-Call Service

Commencing at BUR, then via the most convenient streets and highways to any of the hotels/motels described in Section 2.

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