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Decision 91-03-023 March 13, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
J. Morris & Sons, Inc., dba Gold)	
Dust Airport Shuttle, and Bobby)	
Prater for transfer of Passenger)	Application 90-10-061
Stage Authority PSC-1410 pursuant)	(Filed October 26, 1990)
to Sections 851 and 854 of the)	
Public Utilities Code.)	

O P I N I O N

J. Morris & Sons, Inc., doing business as Gold Dust Airport Shuttle (transferor), and Bobby Prater (transferee), collectively referred to as applicants, request authority under Public Utilities (PU) Code §§ 851 and 854 to transfer the passenger stage authority including Certificate PSC-1410 from transferor to transferee.

Transferor presently operates a passenger stage corporation out of Sacramento. Transferor holds a certificate of public convenience and necessity authorizing it to provide on-call door-to-door transportation of passengers and baggage between Sacramento Municipal Airport and El Dorado, Placer, Sacramento, and Yolo Counties.

Applicants propose to continue the current operations unchanged with respect to company name, telephone numbers, vehicles used, hours of service, service area, and tariff schedule.

Transferor desires to sell the business because of inability to devote adequate time to meet the demand for the service. Transferor's unaudited income statement for the nine months ended July 31, 1990 indicates a net profit before taxes of \$20,391.

Transferee, who is currently a management employee of transferor, desires to buy the business. Transferee indicates

the ability to devote adequate time and resources to meet the demand and expand the service as needed. Transferee's unaudited financial statement as of October 1, 1990 indicates a net worth of approximately \$276,000.

The agreement, attached to the application as Exhibit 4, provides for transferee to pay \$25,000 to transferor after approval by the Commission. Transferor is obligated to provide initial assistance to transferee until the latter deems it no longer necessary.

Transferor will not compete in door-to-door passenger stage service from the airport for a period of five years and within a 200-mile radius, as shown in Exhibit 6 attached to the application.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on November 6, 1990. The Commission has received no protests or requests for hearing of the application.

Findings of Fact

1. Transferor desires to sell, and transferee desires to purchase, the business known as Gold Dust Airport Shuttle, which provides door-to-door, on-call, passenger stage service between Sacramento Municipal Airport and El Dorado, Placer, Sacramento, and Yolo Counties.
2. Transferor's latest available income statement indicates a profit for the nine months ended July 31, 1990.
3. Transferee has the ability to devote adequate time and resources to meet the public demand for the service.
4. No protests to the application have been filed.

Conclusion of Law

1. The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.
2. This authorization is not a finding of the value of the rights or properties to be transferred.

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. By June 1, 1991, J. Morris & Sons, Inc. may sell and transfer the operative rights and property specified in the application to Bobby Prater.
2. Purchaser 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 seller's 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 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 PU Code § 403 when notified by mail to do so.
 - g. Display the new PSC number on all vehicles when service begins.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Bobby Prater, authorizing him 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-7038, to transport persons and baggage.

4. The certificate of public convenience and necessity granted by Decision 87-12-037 is revoked on the effective date of the 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

[Signature]
NEAL J. SHUMWAY, Executive Director

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7038

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.

This certificate supersedes all operative authority
previously granted to J. Morris and Sons, Inc., or its
predecessors by D.86-01-047 dated January 23, 1986,
D.87-12-037 dated December 9, 1987, and
D.87-05-015 dated May 13, 1987.

Issued under authority of Decision 91-03-023, dated March 13,
1991, of the Public Utilities Commission of the State of
California in Application 90-10-061.

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

BOBBY PRATER, by the certificate of public convenience 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 areas listed in Section 3 and Sacramento Metropolitan Airport over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes 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. The transportation of baggage shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers.
- d. No service shall be provided to or between intermediate points.
- e. No passengers shall be transported except those having point of origin or destination at Sacramento Metropolitan Airport.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS. (continued)

- f. 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 both this commission and the airport authority involved.
- g. Service shall be rendered via a direct route from the point of origin to the point of destination of a passenger, except that when more than one passenger is to be transported in a single vehicle, service shall be rendered by the most direct routings possible, taking into consideration the various points of origin or destination of the several passengers.

SECTION 2. ROUTE DESCRIPTION.

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 Sacramento Metropolitan Airport.

SECTION 3. SERVICE AREA DESCRIPTION

Service Area 1: El Dorado Service Area

Beginning a point where Interstate Highway 80 meets State Highway 49. South on Highway 49 to where it intersects the El Dorado-Amador County line; then west along the line to where it meets the El Dorado-Sacramento County Line; then north along the line which becomes the El Dorado-Placer County Line to the point of beginning.

The El Dorado Service Area generally includes the following El Dorado County cities and communities:

Cameron Park	Lake Hills Estates
Camino	Lotus
Cool	Pilot Hill
Diamond Springs	Placerville
El Dorado Hills	Rescue
Kingsville	Shingle Springs

Service Area 2: Placer Service Area

Beginning at a point where state Highway 65 meets the Placer-Yuba County Line. East along the line which changes to the Placer-Nevada County Line to its intersection with State Highway 49; then south along Highway 49 to its intersection with Interstate Highway 80; then southwest on the interstate to its intersection with Folsom Road which changes to Auburn Road to where it meets the Placer-Sacramento County line; then west along the line to its intersection with the Placer-Sutter County line; then north along the line to the point of beginning.

The Placer Service Area generally includes the following Placer County cities and communities:

Auburn	Penryn
Hidden Valley	Rocklin
Lincoln	Roseville
Loomis	Sheridan
Newcastle	

SECTION 3. SERVICE AREA DESCRIPTION (Continued)

Service Area 3: Sacramento Service Area

All locations within the boundaries of Sacramento County.

The Sacramento Service Area generally includes the following Sacramento County cities and communities:

Antelope	Florin	Mc Clellan AFB	Rolba
Bruceville	Foothill Farms	Need	Ryde
Citrus Hts.	Folsom	North Highlands	Sabre City
Clay	Franklin	Orangevale	Sacramento
Courtland	Freeport	Painters Ville	Sheldon
Cosumnes	Galt	Point Pleasant	Slugh House
Del Paso Hts.	Herald	Rancho Cordova	Twin Cities
Elk Grove	Iselton	Rancho Murietta	Vorden
Elverta	Live Oak	Represa	Walmort
Fair Oaks	Mather AFB	Rio Linda	Walnut Grove
			Wilton

Service Area 4: Yolo Service Area

Beginning a point where Interstate Highway 5 meets the Yolo-Colusa County Line. East along the line to where it intersects with the Sacramento River; then south along the river to where it meets Business Highway 80 which becomes Interstate Highway 80; then southwest along the interstate to where it meets Interstate Highway 505; then north on Highway 505 which becomes Interstate Highway 5 to the point of beginning.

The Yolo Service Area generally includes the following Yolo County cities and communities:

Broderick	Knights Landing
Bryte	West Sacramento
Davis	Winters
Dunnigan	Woodland
Esparto	Yolo
	Zamora