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Decision 91-06-008 June 5, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Richard C. Pohl, dba Quake City Shuttle, for a certificate of public convenience and necessity to operate as a passenger stage corporation between all points within the City of San Francisco and the San Francisco International Airport.

ORIGINAL

Application 90-10-064 (Filed October 1, 1990; amended January 11, 1991 and February 5, 1991)

Richard C. Pohl, for himself, applicant. Masaru Matsumura, for the Transportation Division.

OPINION

Richard C. Pohl (Pohl), doing business as Quake City Shuttle, requests authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate on-call passenger stage corporation service for the transportation of passengers and their baggage between points in the City and County of San Francisco and San Francisco International Airport.

A protest to the application was filed by SFO Airporter, Inc., but was withdrawn prior to the duly noticed public hearing before Administrative Law Judge Orville I. Wright, held on April 29, 1991 in San Francisco at which time the matter was submitted for decision.

Applicant's Evidence

Applicant owns five vans which he currently leases to C. Andy DePaule (DePaule), doing business as Good Neighbors Airport Shuttle. If this application is approved, Pohl will withdraw two of his vehicles from DePaule's service and operate them in the same service area as that served by DePaule. Pohl will repaint the two vans to make them clearly distinguishable from DePaule's vans,

and to reflect the logo of Quake City Shuttle. Pohl will insure the two vans as required by Commission rules and regulations.

Pohl's application is supported by a letter from DePaule wherein the latter states his intention of diverting as many passengers from DePaule's service to Pohl's service as the latter can accommodate.

An unaudited financial statement attached to the application shows total assets of \$68,854, liabilities of \$31,057, and net worth of \$37,797 as of January 30, 1991.

Waiver of Proposed Decision

At the close of hearing, applicant moved to waive the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure). The motion was not opposed and is granted.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. As the evidence in this case shows a compelling present need for the proposed service, the order should be effective on the date of signing.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted.

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. A certificate of public convenience and necessity is granted to Richard C. Pohl, 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-6960 to transport persons and baggage.
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 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 and 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.
 - g. Comply with PU Code § 460.7 and 1063 relating to worker's compensation laws of this State.
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 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. The application is granted as set forth above.

This order is effective today.

Dated June 5, 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. SPULMAN, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-6960

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.

Issued under authority of Decision 91-06-008,
dated June 5, 1991, of the Public Utilities Commission of
the State of California in Application 90-10-064.

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Issued by California Public Utilities Commission.

Decision 91-06-008, Application 90-10-064.

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

Richard C. Pohl, an individual, 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 the points described in Section II, and San Francisco International Airport (SFO), over and along the route described in Section III, 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 SFO.
- 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.

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SECTION II. SERVICE AREA.

San Francisco City and County

SECTION III. ROUTE DESCRIPTION.

ON -CALL SERVICE

Commencing from any point or place in the Service Area described in Section II then over the most convenient streets and highways to San Francisco International Airport.

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