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Decision 91-07-041 July 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Airport Cruiser, Inc. for authority)
to extend its existing passenger)
stage certificate (PSC-5877) to)
include scheduled service over)
regular routes between Buena Park/)
Anaheim/Orange/Garden Grove and)
John Wayne Airport, and Newport)
Beach/Costa Mesa/Irvine and Los)
Angeles International Airport.)

ORIGINAL

Application 91-01-020
(Filed January 18, 1991)

INTERIM OPINION

By this application Airport Cruiser, Inc. (ACI) requests authority to extend its existing passenger stage certificate (PSC-5877) to include scheduled service over regular routes between Buena Park/Anaheim/Orange/Garden Grove and John Wayne Airport, and between Newport Beach/Costa Mesa/Irvine and Los Angeles International Airport (LAX). ACI presently conducts operations as a passenger stage corporation in full-size buses on a scheduled basis between the Buena Park/Anaheim area on the one hand, and LAX on the other hand. ACI alleges that there is no carrier providing authorized service of the type proposed between John Wayne Airport and the Cities of Buena Park, Orange, and Garden Grove. ACI further asserts that there is no carrier providing authorized scheduled service in full-size buses between LAX and the Cities of Newport Beach, Irvine, and Costa Mesa.

The application was duly noticed in the Commission's Daily Transportation Calendar of January 25, 1991. No protest to the application was timely filed. However, on April 29 a petition for leave to file a late-filed protest was filed by Ground Systems, Inc. (GSI), a passenger stage corporation, whose concern focused on

service between the Disneyland area and John Wayne Airport. The assigned Administrative Law Judge by ruling dated June 17, 1991 denied GSI's petition, but also denied ACI's request for ex parte action.

Although there is no valid protest before the Commission, a past decision requires us to explore a portion of ACI's application further. By Decision 90-05-044, dated May 4, 1990 in Application 89-05-059 the Commission denied the request of Lounge Car Tours Charter Company, Inc. (LCI) to extend scheduled passenger stage service over regular routes between Buena Park/Anaheim and John Wayne Airport, stating in Ordering Paragraph 2 of the decision that LCI could file a new application for the Buena Park/Disneyland and John Wayne Airport service not earlier than six months from the effective date of the order, and requiring LCI to present public witnesses, including hotel and motel operators in support of its application. While ACI and LCI are different corporate entities, Debra Mintz, the "overall manager" of LCI, had testified that she "handled the hiring, firing, maintenance procedures, schedules, rate proposals, rate structuring, sales, marketing, printing, and just about everything except driving and the actual maintenance work that's done." The witness also stated that LCI and ACI, from the standpoint of operations, are one and the same. The functions performed by Debra Mintz for LCI were those she now performs for ACI.

The Commission's Transportation Division in its Advice of Participation dated April 25, 1991 stated that ACI has the necessary experience and resources to provide the proposed service. During a prehearing conference held June 12, 1991 GSI indicated it had no interest in protesting the application except with respect to the Buena Park/Anaheim and John Wayne Airport service. Evidentiary hearings are scheduled for August 12, 1991 on that portion of ACI's request. The balance of ACI's request is ready for decision.

ACI's application is complete. Exhibit D of the application, a balance sheet dated August 31, 1990, shows total assets of \$1.2 million, and equity of about \$407,000. Exhibit E, an income statement for the period January 1, 1990 to August 31, 1990, shows revenues of \$1.6 million and an operating ratio of 82.6%. ACI currently owns and operates 11 buses. It appears that ACI possesses the necessary experience and resources to provide the proposed service between Orange/Garden Grove and John Wayne Airport, and between Newport Beach/Costa Mesa/Irvine and LAX. This authority should be granted in this application on an interim basis, pending completion of evidentiary hearings on the balance of ACI's request.

Findings of Fact

1. ACI possesses the financial resources and experience necessary to provide service as a passenger stage corporation between Orange/Garden Grove and John Wayne Airport, and between Newport Beach/Costa/Mesa/Irvine and LAX.
2. Authority to provide the service described in Finding 1 may be granted by ex parte action, since there is no protest to this request. The Commission's Transportation Division recommends that this authority be granted.

Conclusions of Law

1. The application should be granted with respect to ACI's request to provide extended passenger stage corporation service between Orange/Garden Grove and John Wayne Airport, and between Newport Beach/Costa Mesa/Irvine and LAX.
2. With respect to the portion of ACI's application to be granted herein, a public hearing is not necessary; however, that portion of ACI's application requesting service between Buena Park/Anaheim and John Wayne Airport should be scheduled for public hearing.

3. Since there is an immediate opportunity for ACI to provide the limited service described above, and public convenience and necessity indicate that such limited service should be authorized, this order should be effective today.

INTERIM ORDER

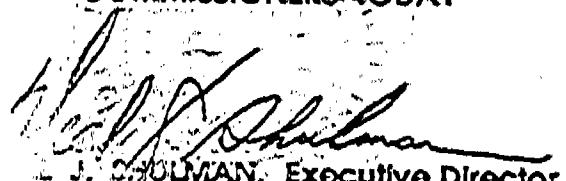
IT IS ORDERED that:

1. A certificate of public convenience and necessity previously granted to Airport Cruiser, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, is amended as set forth in Appendix PSC-5877.
2. Applicant shall:
 - a. File a written acceptance of this amended 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 its tariffs and timetables when service will start; allow at least one day's notice to the Commission; and make timetables and tariffs effective one 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.
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. The application is granted as set forth above.
This order is effective today.
Dated July 24, 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


L. J. SHULMAN, Executive Director
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Appendix PSC-5877

Airport Cruiser, Inc.

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Issued by California Public Utilities Commission.

*Revised by Decision 91-07-041, Application 91-01-020.

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

Airport Cruiser, 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 a scheduled basis between points in Orange County, Los Angeles International Airport (LAX), and *John Wayne Airport (SNA), over and along the routes described in Section 2, 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 operations in either direction unless otherwise indicated.
- (b) The tariffs and timetables shall show the conditions under which each authorized scheduled service will be provided and shall include the description of the specific stops.
- (c) No passengers shall be transported except those having a point of origin or destination at LAX or *SNA.
- (d) 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.

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SECTION 2. ROUTE DESCRIPTIONS.

SCHEDULED SERVICES

Route 1 LAX - Anaheim, Buena Park.

Commencing at LAX then, via the most convenient streets and highways to the scheduled stops in the Cities of Anaheim and Buena Park (specified in the tariff and timetables).

*Route 2 SNA - Orange County.

Commencing at SNA then via the most convenient streets and highways to the scheduled stops at the following hotels:

1. Hyatt Regency, Garden Grove
2. Doubletree Inn of Orange

*Route 3 LAX - Newport Beach, Irvine, Costa Mesa.

Commencing at LAX then, via the most convenient streets and highways to the following scheduled stops:

- | | |
|----------------------------------|----------------------------|
| 1. Newport Beach Marriott | 4. Lions Inn, Costa Mesa. |
| 2. Newport North Shopping Center | 5. South Coast Plaza Hotel |
| 3. Irvine Hyatt Regency | |

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