

AUG 7 1991

Decision 91-08-013 August 7, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Airport Commuter, Inc., a California corporation, to transfer a Certificate of Public Convenience and Necessity to Airport Connection, Inc., a California corporation, to acquire, pursuant to Section 1031, et seq., of the California Public Utilities Code.

ORIGINAL

Application 91-04-012
(Filed April 11, 1991)
(Amended July 2, 1991)

OPINION

Airport Commuter, Inc., a California corporation, proposes to sell and transfer a passenger stage certificate of public convenience and necessity (CPCN) (PSC 5827) to Airport Connection, Inc., a California corporation, proposes to acquire the certificated operations of Airport Commuter, Inc.

Airport Commuter, Inc. has been conducting irregular-route operations under this CPCN which authorizes carriage of passengers and baggage between various points within Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, and Kern Counties and the Los Angeles International Airport, Ontario Airport, Glendale, Hollywood/Burbank Airport Los Angeles Union Station, Los Angeles Harbor and Long Beach Harbor on an on-call basis. This authority was issued by Decision 89-11-048 in Application 89-05-024.

Airport Commuter, Inc. desires to cease passenger stage operations because of other pressing business obligations in an unrelated business. Airport Connection, Inc. believes that it is in the public interest that operations be continued and the public served without interruption.

If the application is approved, Airport Connection, Inc. will adopt the published tariffs of its predecessor.

On April 29, 1991, Airport Limousine Service of Sunnyvale, Inc. protested, claiming that it had used the trade name "Airport Connection" in performing similar transportation services in Northern California. It claimed that use of the name in airport transportation in Southern California could confuse the public.

On May 24, Airport Limousine Service withdrew its protest since applicant, Airport Connection, Inc., had stipulated to use a different trade name.

On June 21, 1991, Transportation Division staff advised that transferee had submitted supplemental information concerning financial condition and prospects. Based on this supplemental information, staff withdrew its objections to ex parte handling and recommended that the application be granted.

On July 2, 1991, the application was amended to state the name (Roadrunner Shuttle) under which operations would be conducted.

Notice of the application appeared in the daily calendar on April 16, 1991. No other protests have been filed.

Because this is the continuation of an existing operation, with the purchaser adopting the tariffs and timetables of seller, we have allowed the filing of the adopted tariffs and timetables before the effective date of the decision, and made the decision effective when signed.

Findings of Fact

1. No hearing is necessary.
2. The proposed transfer is not adverse to the public interest.
3. Because the transfer will result in the continuation of an already-authorized operation, the purchaser should be allowed to begin its operation on the day this decision is signed.

Conclusion of Law

1. The proposed transfer should be authorized. 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 September 30, 1991, Airport Commuter, Inc. may sell and transfer the operative rights specified in the application to Airport Connection, Inc. (purchaser).

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 when this order is signed, and allow at least 5 days' notice to the Commission.
 - c. Comply with General Orders Series 101, 104, and 158, and the applicable 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.
- Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. If the transfer is completed, on the effective date of the tariffs, a certificate of public convenience and necessity (CPCN) is granted to Airport Connection, Inc., a corporation, 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-7343, to transport persons and baggage.

4. The CPCN granted by Decision 89-05-024 is revoked on the effective date of the tariffs.

This order is effective today.

Dated August 7, 1991, at San Francisco, California.

PATRICIA M. ECKERT

President

G. MITCHELL WILK

JOHN B. OHANIAN

NORMAN D. SHUMWAY

Commissioners

Commissioner Daniel Wm. Fessler, being necessarily absent, did not participate.

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

NEAL J. SHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-7343

Airport Connection, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7343

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 supercedes all operative authority
previously granted to Airport Commuter, Inc., or predecessors by
D.89-11-048 dated November 22, 1989, in Application 89-05-024.

Issued under authority of Decision 91-08-013, dated
August 7, 1991 of the Public Utilities Commission of the
State of California in Application 91-04-012.

I N D E X

	<u>Page</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION 2. SERVICE AREA DESCRIPTIONS.....	3
SECTION 3. ROUTE DESCRIPTIONS.....	3

Issued by California Public Utilities Commission.

Decision 91-08-013, Application 91-04-012.

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

Airport Connection, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to provide on-call, door-to-door services to transport passengers and their baggage between points in the counties of Santa Barbara, Ventura, Los Angeles, Kern, San Bernardino, Riverside, and Orange, described in Section 2, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), Ontario Airport (ONT), John Wayne Airport (SNA), Los Angeles Amtrak Station, Los Angeles and Long Beach Harbors, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes 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 except those having a point of origin or destination at LAX, BUR, LGB, SNA, ONT, Los Angeles/Long Beach Harbors, or Los Angeles Amtrak Station.
- (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 boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.

Issued by California Public Utilities Commission.

Decision 91-08-013, Application 91-04-012.

SECTION 2. SERVICE AREA DESCRIPTIONS.

On-Call, Door-to-Door Service

Los Angeles County

All points within the geographical limits of Los Angeles County.

Orange County

All points northwest of Sand Canyon Avenue, and West of the Cleveland National Forest.

Santa Barbara County

All points within the cities of Santa Barbara and Carpinteria, and the following zip code communities:

Summerland	93067
Montecito	93108
Goleta	93117
Isla Vista	93117

(South of Cathedral Oaks Rd., West of Memorial Ward Blvd. and Kellogg Ave., and East of Storke Rd.)

Kern County

All points within the City of Bakersfield.

Issued by California Public Utilities Commission.

Decision 91-08-013, Application 91-04-012.

SECTION 2. SERVICE AREA DESCRIPTIONS (continued).

San Bernardino County

All points within the cities of: Chino, Fontana, Redlands, Rialto, San Bernardino, Colton, Adelanto, Grand Terrace, Montclair, Ontario, Rancho Cucamonga, Upland, Victorville, and Highland.

Riverside County

All points within the cities of: Riverside, Corona, and Norco.

Ventura County

All points within the cities of: Ventura, Simi Valley, Fillmore, Thousand Oaks, Oxnard, Ojai, Moorpark, Camarillo, Port Hueneme, and Santa Paula.

SECTION 3. ROUTE DESCRIPTIONS.

Commencing at any point within the authorized service area described in Section 2, then via the most convenient streets and highways to LAX, SNA, Los Angeles Amtrak Station, Los Angeles Harbor or Long Beach Harbor.

Issued by California Public Utilities Commission.

Decision 91-08-013, Application 91-04-012.