

Mailed

SEP 9 1991

Decision 91-09-013 September 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Armando Flores, dba "Royal Lines" )  
 for authority to operate as an )  
 "on call" PSC between Calexico, San )  
 Diego and Los Angeles and points )  
 in between. )

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**ORIGINAL**  
 Application 90-11-045  
 (Filed November 26, 1990;  
 amended March 1,  
 March 28, and  
 June 13, 1991)

O P I N I O N

By this application, as amended, Armando Flores, dba Royal Lines, seeks a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between Calexico, San Diego, and Los Angeles.

Applicant proposes a scheduled service, seven days per week, over the following routes:

Route 1 between Calexico and Los Angeles with service to the intermediate points of El Centro, Brawley, and Indio.

Route 2 between San Ysidro and Los Angeles.

Route 3 between Calexico and San Diego with service to the intermediate points of El Centro, Seeley, and Ocotillo.

The timetables for Routes 1 and 2 are set forth in Exhibit A attached to the first amendment to the application. The timetable for Route 3 is set forth in Exhibit B attached to the third amendment to the application. The proposed fares for Routes 1 and 2 are set forth in Exhibit B attached to the first amendment to the application. The proposed fares for Route 3 are set forth in Exhibit A to the third amendment to the application.

The service will be provided with 45 passenger buses. The application alleges that the buses, as with others of this nature, have premium area seating and baggage comfort features,

including spacious interiors. Space for large baggage is provided in the rear (or) center of the vehicle for purposes of safety and convenience. Other vans or buses will be added with increased demand.

Applicant will have said vehicles, as well as any other vehicle used in serving overflow passengers (i.e., sedans) or in emergencies or when the regular vehicle(s) are being serviced, covered by liability insurance in statutory amounts that comply with or exceed the minimum coverage amounts required under the Commission's General Order 101-E. A policy of insurance is now in effect and on file with the CPUC.

Applicant's vehicles will be garaged, serviced, and maintained at its present vehicle facilities located at 1326 27th Street, San Diego, California.

Exhibit D, attached to the application, is a copy of applicant's balance sheet as of November 15, 1990. It discloses assets of \$256,500, liabilities of \$9,000, and net worth of \$247,500.

The application alleges that public convenience and necessity require the granting of this application for the following reasons:

1. Applicant has demonstrated the knowledge of the industry by being employed directly by a "PSC" certificated carrier in this geographic area for several years.
2. Current carrier(s) equipment is consistently crowded and full to capacity, forcing several passengers to stand during the five-hour trip.
3. When carrier's equipment is full to capacity, often potential passengers are turned away and forced to seek alternative methods of transportation; and
4. Due to the six-month strike, competing carrier is operating below capacity, creating the need for additional carriers.

Competing carrier's service and quality of drivers is substandard. Competing carrier is now in bankruptcy.

The above allegation was made with respect to Routes 1 and 2 only. The third amendment to the application alleges that Route 3 was added at the request of the Commission staff.

The application further alleges that the granting of the authority for the operation herein sought would have no significant adverse effect upon the environment of the areas to be serviced. On the contrary, applicant asserts that the proposed service would contribute to improved air quality in general by reducing the number of single occupant motor vehicles on the road.

The application was served in accordance with Rule 21(K) of the Commission's Rules of Practice and Procedure. Notices of the filing of the application and the amendments thereto were published in the Commission's Daily Transportation Calendar. No protests to the application have been received.

The Commission's Transportation Division staff has advised it has no objection to granting the application.

#### Findings of Fact

1. Applicant seeks authority to perform operations as a passenger stage corporation over the following routes:
  - Route 1 between Calexico and Los Angeles with service to the intermediate points of El Centro, Brawley, and Indio.
  - Route 2 between San Ysidro and Los Angeles.
  - Route 3 between Calexico and San Diego with service to the intermediate points of El Centro, Seeley, and Ocotillo.
2. Applicant has the ability, experience, equipment, and financial resources to provide the proposed service.
3. Public convenience and necessity require the issuance of a certificate to perform the proposed service.
4. No protests have been received.

5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The application 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Armando Flores, dba Royal Lines, 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-7020, 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 applicable California Highway Patrol safety 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.

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. Applicant shall comply with Public Utilities Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.

7. This is a final order and the proceeding is closed. This order is effective today.

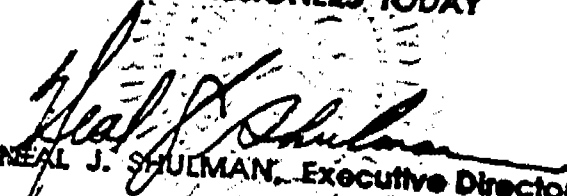
Dated September 6, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

I abstain.

/s/ G. MITCHELL WILK  
Commissioner

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

  
NEAL J. SHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-7020

Armando Flores

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7020

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

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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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Issued under authority of Decision 91-09-013, dated  
September 6, 1991 of the Public Utilities Commission of the  
State of California in Application 90-11-045.

I N D E X

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

Issued by California Public Utilities Commission.

Decision 91-09-013, Application 90-11-045.

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

Armando Flores, 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 scheduled basis between points in the counties of Imperial, Riverside, San Diego and Los Angeles, described in Section 2, 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 authorities 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 the scheduled stops in the cities specified in Section 2.
- (d) The tariffs and timetables shall show the conditions under which the authorized scheduled service will be provided, and shall specify the exact locations of the scheduled stops.

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SECTION 2. SERVICE AREA DESCRIPTION

Scheduled stops described in Section 3.

SECTION 3. ROUTE DESCRIPTIONS

Scheduled Services

Route 1. Between Imperial, Riverside and LA counties

Commencing at the scheduled stop in the City of Calexico, then via the most convenient streets and highways to the scheduled stops in the Cities of El Centro, Brawley, Indio, El Monte and Los Angeles, and return: no service will be provided between the cities of Los Angeles and El Monte.

Route 2. Between San Diego and LA Counties.

Commencing at the scheduled stop in San Ysidro, then via the most convenient streets and highways to the scheduled stop in the City of Los Angeles, and return.

Route 3. Between San Diego and Imperial Counties.

Commencing at the scheduled stop in San Ysidro, then via the most convenient streets and highways to the scheduled stops in the communities or Cities of Ocotillo, Seeley, El Centro and Calexico, and return.

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