

Decision 91-09-060 September 25, 1991

SEP 25 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
EARL WEBB & ROGER WEBB, DBA VIP )  
Shuttle, for authority to operate )  
as a passenger stage business between )  
points in all cities in the Coachella )  
Valley and the Los Angeles Inter- )  
national Airport, Ontario Inter- )  
national Airport, and Orange County )  
International Airport. )

ORIGINAL

Application 91-05-006  
(Filed May 3, 1991)

OPINION

Earl & Roger Webb, doing business as VIP Shuttle (applicant), seek a certificate of public convenience and necessity under Public Utilities (PU) Code § 1031 to establish and operate a passenger stage for the transportation of passengers and baggage between points in Coachella Valley, on the one hand, and Los Angeles International Airport (LAX), Ontario International Airport, and Orange County International Airport, on the other hand.

Applicant will operate two eleven-passenger vans in its proposed service. Applicant will acquire liability insurance in amounts that meet the minimum requirements under the Commission's General Orders 101-E and 115-D. Palm Springs Ford in Cathedral City will maintain the vans, which will also be located there.

Applicant proposes to perform regularly scheduled service seven days per week, 24 hours per day, 363 days per year. Only passengers originating from or destined to the named airports will be transported.

The granting of the authority for the operations sought will have no significant adverse effect upon the environment of the areas to be served. Applicant declares that the availability of this service will benefit the environment and the public by a

reduction of private vehicle mileage over the roads and highways within the areas to be served.

Applicant asserts that public convenience and necessity will be served by the granting of this application because the proposed service is distinct from existing service. Applicant will establish specified pick up points for the general public in contrast to hotel pick up points for hotel guests only. Applicant also believes the proposed service is non-controversial and will not conflict with any existing service.

Notice of the filing of the application was served according to the Commission's rules and was published in the Commission's Daily Calendar on May 8, 1991.

On May 23, 1991 the City of Los Angeles, through its Department of Airports (protestant) filed a protest to the request to serve LAX. Protestant requests that the application be denied or a public hearing held. Protestant has adopted a resolution imposing an interim moratorium on the issuance of new, on-demand passenger stage carrier airport permits at LAX. The moratorium will be in effect pending completion of an airport study of operations and problems attendant to passenger stage carrier operations at LAX. The Transportation Division staff advises us, however, that LAX has recently rescinded its moratorium on the issuance of permits. Accordingly, this ground of the protest is moot.

Protestant also alleges that LAX serves approximately 45 million annual passengers through its central terminal area which is serviced by one road, World Way, divided into upper and lower levels. World Way is experiencing severe traffic congestion and curbside parking problems. Protestant alleges there is no public convenience and necessity requiring applicant's service in the area proposed.

In our opinion protestant has not made a sufficient showing that no public convenience and necessity exists to warrant

applicant's service. Protestant itself indicates that 45 million passengers use LAX annually.

On June 4, 1991, the United Transportation Union (Union) filed a motion to accept a late-filed protest. Because Union had requested and not received a copy of the application from applicant, it requests a 60-day extension to file a protest. Subsequently, applicant provided Union with a copy of its application; and on July 16, 1991, Union withdrew its motion.

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. The rates proposed in the application are reasonable.
4. The proposed service will have no significant effect on the environment.
5. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity require that the requested certificate 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 Earl and Roger Webb, dba VIP Shuttle (applicant), 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-7256, to transport persons and baggage.

2. Applicant shall:

- a. File a written acceptance of this order and a 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 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 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 airports' governing bodies. 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 it has evidence of insurance 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 PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.

This order is effective today.

Dated September 25, 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

  
NEIL J. SCHULMAN, Executive Director

/ALJ/jac \*

Appendix PSC-7256

Earl Webb and Roger Webb

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC-7256  
TO OPERATE AS  
PASSENGER STAGE CORPORATION

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

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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 91-09-060,  
dated September 25, 1991, of the Public Utilities Commission  
of the State of California in Application 91-05-006.

T/APH/jpk

Appendix PSC-7256

Earl Webb and Roger Webb

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(John Wayne Airport)	

Issued by California Public Utilities Commission.

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

Earl Webb and Roger Webb, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers and their baggage, on a scheduled basis, between Coachella Valley cities, described in Section 2, and Los Angeles International Airport (LAX), Ontario Airport (ONT), and John Wayne Airport (SNA), over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the route 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 excepted those having a point of origin or destination at LAX, ONT, or, SNA.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

Coachella Valley cities include: Coachella, Indio, La Quinta, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs, and Desert Hot Springs.

Airports include: Ontario International Airport, Los Angeles International Airport, Orange County International Airport

SECTION 3. ROUTE DESCRIPTIONS.

SCHEDULED SERVICES

Route 1

Route 10 west from Coachella Valley cities to Vineyard Ave. in Ontario, south on Vineyard to Ontario International Airport.

Route 2

Route 10 west from Coachella Valley cities to 405 Freeway, south to Century Blvd., west to Los Angeles International Airport.

Route 3

Route 10 west from Coachella Valley cities to 60 Freeway west to 91 Freeway west to 55 Freeway south to 405 Freeway south to Jamboree south to Orange County International Airport (John Wayne Airport).

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