

Mailed

Decision 91-11-044 November 20, 1991

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Ronald L. Miller, an individual)
 doing business as Country Club)
 Limousines, for a modification of)
 current Certificate PSC 1121 to)
 operate between the Cities of Indio,)
 La Quinta, Indian Wells, Palm Desert,)
 Bermuda Dunes, Rancho Mirage,)
 Cathedral City, Palm Springs, Desert)
 Hot Springs, and certain locations)
 in Los Angeles and Orange Counties,)
 including but not limited to the)
 Cities of Anaheim, Beverly Hills,)
 Brentwood, Bel Air, Glendale,)
 Hollywood, Irvine, Los Angeles,)
 Long Beach, Northridge, Ontario,)
 Pasadena, Sherman Oaks, Studio City,)
 and all cities within Riverside,)
 Orange, or Los Angeles County.)

ORIGINAL

Application 91-03-062
(Filed March 27, 1991)

OPINION

On March 27, 1991, Robert L. Miller (applicant), the holder of Passenger Stage Certificate (PSC) 1121, filed an application pursuant to Public Utilities (PU) Code § 1031 for modification of the certificate to establish and operate a transportation service for passengers, baggage, and small packages between all points within cities currently served in the Coachella Valley, and all points within the Counties of Riverside, Orange, and Los Angeles. Notice of the application was published in the Commission's Daily Calendar on April 3, 1991.

On May 21, 1991, a representative of the Commission's Transportation Division contacted the applicant and advised him that the information contained in the application was insufficient and that an amended application furnishing certain specified additional information was necessary. The applicant then agreed to

amend the application to furnish the requested information. A confirmation letter reiterating the information required was sent to the applicant by a representative of the Transportation Division on May 29, 1991.

On September 11, 1991, the applicant was again contacted by a representative of the Commission's Transportation Division and reminded that his application for extension of service was still pending. During that conversation, applicant expressed the opinion that passenger stage carriers should be authorized to operate anywhere they want upon proof of insurance. The representative of the Transportation Division advised applicant that only charter party carriers (TCP) licensed under PU Code § 5351, et seq., were authorized to operate without predefined points and that passenger stage carriers, such as himself, licensed under PU Code § 1031, et seq., were authorized operations only between predefined points at preapproved, fixed rates. He was further advised that any operations conducted by applicant outside the territory defined in his certificate would be considered violations under § 2107, et seq., of the PU Code, and might affect his request for extended authority. This conversation was confirmed by letter dated September 13, 1991, which also advised applicant that if the amendment was not filed by October 15, 1991, the staff would recommend that the application be dismissed. No amendment has been received.

Findings of Fact

1. Applicant is the holder of PSC-1121 and is authorized to operate a transportation service between the points specified in that certificate.
2. Applicant has filed an application to establish and operate a transportation service of passengers, baggage, and small packages between all points within cities currently served in the Coachella Valley, and all points within the Counties of Riverside, Orange, and Los Angeles.

3. Notice of the application was published in the Commission's Daily Calendar on April 3, 1991.

4. On May 21, 1991, a representative of the Commission's Transportation Division telephoned applicant and advised that the application was incomplete and that an amendment containing certain specified information was required to be filed. A confirmation letter was sent to applicant on May 29, 1991.

5. On September 11, 1991, the representative of the Commission's Transportation Division recontacted applicant and reminded him of the necessity of filing an amended application containing the information specified in their telephone conversation of May 21, 1991, and confirmed by the May 29, 1991 letter.

6. During the telephone conversation of September 11, 1991, applicant expressed the opinion that passenger stage carriers should be authorized to operate anywhere they want upon proof of insurance. At that time, applicant was advised that only charter party carriers licensed under PU Code § 5351, et seq., are authorized to operate without predefined points and that passenger stage carriers, such as himself, licensed under PU Code § 1031, et seq., were authorized operations only between predefined points at preapproved, fixed rates. He was further advised that any operations outside the territory defined in his certificate would be considered violations and could affect his request for extension of authority. This conversation was confirmed by letter dated September 13, 1991, which also advised applicant that if he failed to file an amended application by October 15, 1991, the staff would recommend the dismissal of the application.

7. No amendment to the application has been filed.

Conclusions of Law

1. The application should be deemed abandoned and should be dismissed.

2. Applicant may operate only within the limits of PSC-1121 currently held by him.

3. Since applicant has had approximately five months to provide the requested supplemental information and has been reminded of that obligation on at least two occasions, but has failed to do so, this order should be effective today.

ORDER

IT IS ORDERED that:

1. The application is deemed abandoned.
2. The application is dismissed as abandoned.
3. Applicant is to operate only within the limits of PSC-1121 currently held by him.

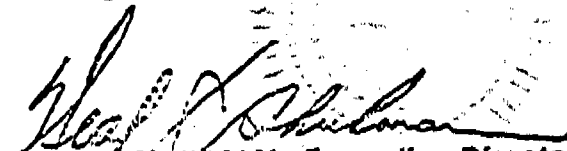
This order is effective today.

Dated November 20, 1991, at San Francisco, California.

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

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

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


NEAL J. SULMAN, Executive Director