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Decision 92-02-056 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Denis V. DiGiovanna dba Fantasia)
Limousine for a Certificate of)
Public Convenience and Necessity to)
operate as a Passenger Stage)
Carrier between Santa Clara,)
San Mateo, Alameda, and Contra)
Costa Counties and points to and)
from San Jose, San Francisco and)
Oakland International Airports.)

ORIGINAL

Application 91-09-053
(Filed September 24, 1991)

O P I N I O N

Denis V. DiGiovanna (Applicant), doing business as Fantasia Limousine, seeks a certificate of public convenience and necessity to establish and operate a passenger stage service, under Section 1031 of the California Public Utilities Code, for the transportation of passengers between points throughout Santa Clara, San Mateo, Alameda, and Contra Costa Counties to the San Jose, San Francisco, and Oakland International Airports.

Applicant proposes to operate a 24-hour on-call service seven days a week. Service will be provided pursuant to advance arrangements. The proposed fares and rates to be assessed for the service and the applicable rules and regulations are set forth in Appendix B to the application. Maps showing the proposed service areas are attached as Exhibit C to the application.

Applicant currently operates as a Temporary Charter Party Carrier under TCP-5603-P.

Applicant proposes to provide the service through its fleet of six 1988-model seven-passenger Lincoln Town Cars.

Exhibit F, attached to the application, is a copy of Applicant's latest balance sheet. It shows assets of \$511,823 offset by liabilities of \$311,258, and a resultant net worth of \$200,565.

The application was served in accordance with Rule 21(K) of the Commission's Rules of Practice and Procedure. Notice of the filing of the application was published in the Commission's Daily Transportation Calendar of December 2, 1991. No protests to the granting of the application have been received.

The Transportation Division staff has reviewed the application and recommends that the application be granted by an ex parte order.

In addition, this application, which was filed on September 24, 1991, will not be affected by the Commission's Resolution TEA-1 which imposed a moratorium on approving applications filed after November 6, 1991 for operating a passenger stage corporation at Los Angeles or San Francisco International Airport.

The public will not be adversely affected by granting Applicant a CPCN to operate as a passenger stage corporation.

Findings of Fact

1. Applicant seeks authority to perform operations as a passenger stage corporation between various points throughout Santa Clara, San Mateo, Alameda, and Contra Costa Counties to the San Jose, San Francisco, and Oakland International Airports.
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 Commission concludes that 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 Denis V. DiGiovanna, doing business as Fantasia Limousine, 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-5603, 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 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 PU 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 proceeding is closed.

This order becomes effective 30 days from today.

Dated February 20, 1992, at San Francisco, California.

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

Commissioner Patricia M. Eckert,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-5603

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.

Issued under authority of Decision 92-02-056,
dated February 20, 1992, of the Public Utilities Commission of
the State of California in Application 91-09-053.

I N D E X

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

Issued by California Public Utilities Commission.

Decision 92-02-056, Application 91-09-053.

**SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.**

Denis V. DiGiovanna, an individual, 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 an "on-call" basis, between the cities and communities in the counties of Santa Clara, San Mateo, Alameda, and Contra Costa, as described in Section II, on one hand, and the San Francisco (SFO), San Jose (SJC), and Oakland (OAK) International Airports, on the other hand, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having a point of origin or destination at either SFO, SJC, or OAK.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

Cities and communities in the counties of Santa Clara, San Mateo, Alameda, and Contra Costa

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section II over the most convenient streets, expressways, and highways to either SFO, SJC or OAK.

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