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Decision 92-02-059 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Gregory J. Phelps, dba Mountain
Express, for authority to operate as
a passenger stage corporation
between points in El Dorado County
and the Sacramento Metro Airport.

ORIGINAL
Application 91-11-031
(Filed November 4, 1991)

O P I N I O N

Gregory Phelps, doing business as Mountain Express, with headquarters in Placerville, seeks authority under Public Utilities Code § 1031, et seq., to operate scheduled airport transportation service between Placerville and Cameron Park in El Dorado County and the Sacramento Metropolitan Airport (Sacto).

Applicant proposes to provide service five days a week, Thursday through Monday, with three round trips a day, morning, afternoon, and evening.

Applicant had assets of \$237,114, liabilities of \$116,800, and a net worth of \$120,314, as of November 1, 1991, according to the financial statement attached to the application.

Applicant proposes to purchase a new 1992 Ford Econoline Van with a capacity of nine passengers excluding the driver. The vehicle will be garaged at Placerville.

The fares will be \$39 one-way and \$59 round trip, with half-fare for children under six, and 10% discount for seniors age 62 or older.

Applicant provided notice to El Dorado Transit, Downtown Airporter, Gold Dust Shuttle, Sacramento Airport Transit, the County of El Dorado, and the City of Placerville. Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on December 2, 1991.

The Transportation Division (TD) reviewed the application and recommends that in the absence of protest, the application be granted by ex parte order. There are no protests to the application; therefore, a hearing is not necessary.

Applicant states that there is no current scheduled service available to the points listed and of the type proposed. As noted in the application, the availability of the proposed service should benefit the environment and the public through the resultant reduction of private vehicles on the road. We conclude that the certificate requested by applicant is in the public interest.

Findings of Fact

1. Applicant requests authority to operate scheduled airport transportation service between Placerville and Cameron Park in El Dorado County and Sacto.

2. Applicant served a copy of the application by mail upon each public transit operator operating in the territory applicant seeks to serve.

3. Notice of the filing appeared in the Commission's Daily Transportation Calendar on December 2, 1991.

4. No protests have been filed.

5. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.

6. Applicant has the financial resources to perform the proposed service.

7. It can be seen with certainty that there is no possibility that the proposed service will have a significant adverse impact on the environment.

8. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been shown, and applicant should be granted a certificate.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of these 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 Gregory J. Phelps, 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 the attached Appendix PSC-7611, to transport passengers and their 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 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 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 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 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
03

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7611

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 92-02-059,
dated February 20, 1992, of the Public Utilities Commission of the
State of California in Application 91-11-031.

T/MM

Appendix PSC-7611

Gregory J. Phelps

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Issued by California Public Utilities Commission.

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

Gregory J. Phelps, 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 a scheduled service, between the points described in Section II, and Sacramento Metropolitan Airport (SMA), over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route 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. No passengers shall be transported except those having a point of origin or destination at SMA.
- c. 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.

Placerville - Raley's Shopping Center.

Cameron Park - Bel-Air Shopping Center.

SECTION III. ROUTE DESCRIPTION.

SCHEDULED SERVICE

Commencing from Placerville, Raley's Shopping Center then over the most convenient streets and highways to Cameron Park, Bel-Air Shopping Center and to Sacramento Metropolitan Airport.

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