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Decision 92-03-014 March 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
North Coast Opportunities, Inc./Lake
County Senior Transit for Certificate
of public convenience and necessity to
operate a Passenger Stage Corporation
between Clearlake and Lakeport.

ORIGINAL

Application 91-09-056
(Filed September 23, 1991)

O P I N I O N

By this application North Coast Opportunities, Inc./Lake County Senior Transit (applicant) requests a certificate of public convenience and necessity (CPC&N) to operate as a passenger stage corporation (PSC) between the cities of Clearlake and Lakeport in Lake County.

Applicant alleges that there is no service within the area of the proposed operation at the present time. Applicant has provided door-to-door transportation service to senior citizens and disabled persons between Clearlake and Lakeport for the past fifteen years. Lake County has determined that there is an immediate and pressing need on the part of the general public for the proposed service in order to obtain such basic survival needs as food, health and dental care, banking and other life sustaining services.

Pursuant to that determination, Lake County on June 1, 1991, funded a pilot program with North Coast Opportunities, Inc./Lake County Senior Transit (NCO/LCST) to provide these services in order to determine the extent of the need.

Applicant, a nonprofit public service agency, serves two large rural areas. Applicant believes that Public Utilities (PU) Code § 226(f) exempt it from the requirement to obtain a certificate of public convenience and necessity to operate as a PSC. That section reads as follows:

"(f) Passenger stage corporation' does not include social service transportation delivered by a nonprofit social service transportation provider or a locally licensed or franchised for-profit transportation provider which operates, in dedicated vehicles, social service transportation pursuant to contract with a nonprofit social service transportation provider organization as long as the provider does not use a vehicle designed for carrying more than 16 persons, including the driver, or does not operate vehicles which offer transportation services over regularly scheduled or fixed routes."

Applicant is a private nonprofit para-transit operator. However, applicant is subject to the jurisdiction of this Commission because it is actively engaged in passenger transportation of the general public. Applicant submits that our approval of the application, serves the public convenience and necessity because the service will complement and supplement existing service and enhance the options available to the general public in this rural area.

The proposed service will use existing NCO/LCST vehicles consisting of five vans, ranging in size up to a capacity of 12 passengers. The general public may ride the vehicles on a "seats available" basis in unincorporated area of the county. Passengers will be transported to and picked up at the Burns Valley Mall in Clearlake, and at the Willow Tree Plaza in Lakeport.

One van will be stationed on the north shore of Clearlake from 8:30 a.m. until 4:30 p.m. on Mondays, Wednesdays, and Fridays. It will operate door-to-door between Clearlake and Lakeport over Highway 20, serving the communities of Clearlake Oaks, Glenhaven, Nice, Lucerne, and Upper Lake. It will operate up to one mile off Highway 20 to reach riders' homes on a space available, call-in basis, dispatched by the Senior Center located in Lucerne. First priority on all vehicles will be Seniors and Handicapped persons.

Service will be provided under contract with Lake County. Projected passengers are 575 per year. NCO/LCST has financial and other resources necessary to continue to provide the services proposed. All vehicles are wheelchair accessible. NCO/LCST has a staff of trained drivers and a fleet of modern equipment with which to provide the service.

Proposed fares between Clearlake and Lakeport are \$3.00 one way, and \$5.00 for a round trip. Service and appropriate fares are proposed to intermediate points. Children under 7 ride free; children between 7 and 12 will ride for one-half price. Attendants for disabled passengers will ride free. Discount price ticket books are available.

A balance sheet dated June 30, 1991 indicates assets of \$135,210 and current liabilities of \$45,112.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar. No objection to the application has been received. In the circumstances, the application should be granted.

Findings of Fact

1. Applicant requests authority to operate as a PSC between Clearlake and Lakeport, and certain intermediate points, serving the public generally.

2. Applicant has for several years provided service pursuant to agreements with Lake County.

3. Applicant has the financial resources and the ability to provide the proposed service.

Conclusions of Law

1. The application should be granted.
2. Since there is an immediate opportunity to benefit the public in the Clearlake area through the provision of the proposed service, the effective date of this decision should be today.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to North Coast Opportunities, Inc./Lake County Senior Transit (applicant) authorizing it to operate as a passenger stage corporation, as defined in Public Utilities Code Section 226, as set forth in Appendix PSC-7542.

2. Applicant shall:

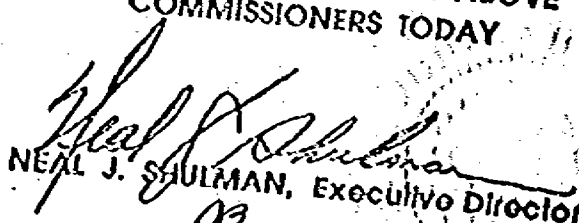
- a. File a written acceptance of this amended certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when service will start; allow at least one day's notice to the Commission; and make timetables and tariffs effective one 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. Comply with PU Code §§ 460.7 and 1043, relating to the worker's compensation laws of this state.

3. The application is granted as set forth above.
This order is effective today.

Dated March 11, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director

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Appendix PSC-7542

North Coast
Opportunities, Inc.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7542

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 92-03-014, dated
March 11, 1992 of the Public Utilities Commission of the
State of California in Application 91-09-056.

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Issued by California Public Utilities Commission.

Decision 92-03-014, Application 91-09-056.

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

North Coast Opportunities, Inc. 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 basis, between Clearlake on the one hand, and Lakeport on the other hand, along the routes described in Section 2, 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 operation 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) Service will be provided within one mile of State Route 20 between Clearlake and Lakeport.

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1. CLEARLAKE-CLEARLAKE OAKS-GLENHAVEN-NICE-LUCERNE-UPPER LAKE
LAKEPORT

Commencing in Clearlake, along State Route 20 to
Lakeport.

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