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Decision 92-03-017 March 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Clive Andrew DePaule
dba Good Neighbors Airport Shuttle,
PSC 1370 and TCP 1370-P (suspended)
to extend its authority to include
service to the Oakland international
airport. This service would be for
passengers traveling to or from the
City and County of San Francisco.
Service will be provided as door to
door "On-Call Scheduled Service".

ORIGINAL

Application 91-08-013
(Filed August 7, 1991)

OPINION

Clive Andrew DePaule (DePaule), doing business as Good Neighbors Airport Shuttle, requests authority under Public Utilities (PU) Code § 1031, et seq., to extend his passenger stage corporation authority (PSC-1370) to include on-call transportation of passengers and their baggage between Oakland International Airport (OAK), on the one hand, and points in the City and County of San Francisco, on the other hand.

The application states that DePaule has been operating an on-call passenger stage service between San Francisco International Airport (SFO) and points in the City and County of San Francisco for over seven years, during which time he has received many requests for service to OAK. At present, operations servicing SFO are temporarily suspended at the request of applicant because of pending litigation with SFO. In applicant's words, "this situation presents a perfect opportunity to use our passenger base, great reputation and very good relations with the travel agencies of San Francisco to start up service to the Oakland Airport that is so needed."

DePaule proposes to initiate service with three vans. A financial statement dated August 1, 1991, attached to the

application, shows cash in bank of \$3,340 and vans, loans receivable, and other assets which he values at \$104,172. The statement shows liabilities of \$43,045 and net worth of \$65,142.

The application appeared on the Commission's Transportation Calendar of August 14, 1991. No protests have been received.

On December 2, 1991, Transportation Division staff, filed its Supplemental Advice of Participation which stated, in part:

"Applicant Andrew DePaule, dba Good Neighbors Airport Shuttle, requests authority to extend his passenger stage operation between points in the City and County of San Francisco and OAK.

"By letter dated October 25, 1991, Staff contacted the applicant to clarify the proposed services in Exhibit B of Application 91-08-013.

"By letter dated November 3, 1991 applicant responded and submitted an amended Exhibit B to show on call services only between points in the City and County of San Francisco and OAK.

"Staff recommends that in the absence of any protests, the application be granted by ex parte order. This application is not affected by Resolution TEA-1. This resolution, in part, ordered that: "A moratorium is declared during which no action will be taken to approve any application received after November 6, 1991... to operate a passenger stage corporation at Los Angeles International Airport or San Francisco Airport."

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. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. As this application involves only the expansion of an existing service, the order should be effective on date of signing.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate 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. The certificate of public convenience and necessity granted to Clive Andrew DePaule, 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-1370, to transport persons and baggage, is amended by First Revised Pages 2 and 3 which cancel Original Pages 2 and 3.

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 Public Utilities Code § 460.7 and 1043, relating to the Workers' Compensation laws of this state.

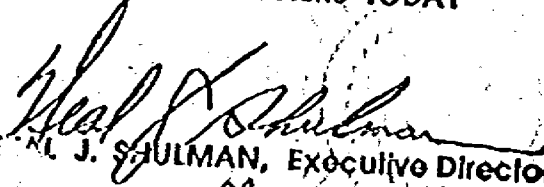
6. The application is granted as set forth above.

This order is effective today.

Dated 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


DANIEL J. SHULMAN, Executive Director
PB

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Appendix PSC-1370

ANDREW CLIVE DEPAULE

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SECTION 2. SERVICE AREA DESCRIPTION.

City and County of San Francisco.

SECTION 3. ROUTE DESCRIPTIONS.

"ON-CALL SERVICE"

Service shall commence from any point within the authorized service area described in Section 2, then via the most convenient streets and highways to the final destination point shown each of the routes listed below:

Route A - San Francisco International Airport.

* Route B - Oakland International Airport

Issued by California Public Utilities Commission.

* Revised Decision 92-03-017 , Application 91-08-013.

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

Andrew Clive DePaule, an individual dba Good Neighbors Airport Shuttle, by the certificate of public convenience and necessity granted by the revised decision noted in the margin, is authorized to extend his passenger stage corporation authority to transport passengers and baggage between points in the City and County of San Francisco, on the one hand, and SFO or *OAK on the other hand, 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) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) The term "on-call", refers to service which is authorized to be rendered dependent on the demands of the passengers. The tariffs shall show the condition 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 SFO 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.

Issued by California Public Utilities Commission.

* Revised by Decision 92-03-017, Application 91-08-013