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Decision 92-04-014 April 8, 1992

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Hebaragi Bus, Inc. dba Hebaragi )  
 Shuttle to acquire, and John )  
 Berrisford dba Desert Shuttle to )  
 transfer a passenger stage )  
 certificate of public convenience )  
 and necessity, pursuant to Section )  
 851 et seq. of the California )  
 Public Utilities Code. In addition, )  
 Hebaragi Shuttle requests to extend )  
 service territory to include portions )  
 of Los Angeles County, and Burbank )  
 Airport. )

Application 91-04-041  
(Filed April 29, 1991)

O P I N I O N

Statement of Facts

By Decision (D.) 89-09-077 issued September 27, 1989 in Application (A.) 89-06-057, John B. Berrisford, dba Desert Shuttle, was granted a certificate of public convenience and necessity to operate a passenger stage corporation between the cities of Coachella, Indio, La Quinta, Indian Wells, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs and Desert Hot Springs in the counties of Riverside and San Bernardino, on the one hand, and the Los Angeles International Airport and the Ontario International Airport, on the other hand, providing a regularly scheduled service on a six-day per week basis. This service is being provided pursuant to PSC-5870. At this point in time, Berrisford desires to discontinue these operations to engage in other business ventures.

In 1984, You Hyun Kim in partnership with Tae Joon Kim, dba Hebaragi Sightseeing, by D.84-04-082 in A.84-01-58 obtained authority to operate a charter party carrier of passengers under

TCP-308B. Subsequently as the business prospered and operated with seven buses, it was incorporated in 1989 as Hebaragi Bus, Inc., and has operated under TCP-6375, dba Hebaragi Shuttle.

By the captioned application, Hebaragi Bus, Inc. dba Hebaragi Shuttle (transferee) and John Berrisford dba Desert Shuttle (transferor) seek authorization pursuant to Public Utilities (PU) Code §§ 851 et seq. to transfer the latter's passenger stage certificate to the former; for transferee to adopt and transferor to withdraw from transferor's present tariff filings on five days' notice to the Commission and the public; for authorization for transferee to extend its service territory to include Koreatown Zip Code Areas 90005, 90006, 90019, and 90020, downtown Los Angeles; and Burbank Airport; for approval of proposed additional tariff filings to include the foregoing; and for allowance of a full 12 months from the effective date of our decision to transfer authority. Finally, the parties ask that the decision on their application be made effective upon the date of signing.

Notice of the filing of the application was published in the Commission's Daily Calendar of May 3, 1991. There have been no protests. The Commission's Tariff and License Branch believes that transferee has the necessary experience and resources to provide the proposed service.

Discussion

The transferee has successfully operated charter and sightseeing services for many years in the Los Angeles area, and has the experience, financial resources, drivers and equipment to successfully undertake and provide the service proposed to be transferred, and at rates for the transferred service which have previously been found to be reasonable. The fares proposed for the proposed extension of service, providing for "on-call" transfer service between Los Angeles International Airport and Koreatown and downtown Los Angeles, \$10 for adults, \$7 for 4-11 year olds, with

children under four free, are reasonable and should be approved. There would be no significant effect on the environment or in energy efficiencies derived from the transfer or proposed extension of service.

Findings of Fact

1. Since 1984 by authority granted in D.84-04-082 in A.84-01-058, You Hyun Kim has successfully operated sightseeing and charter party operations in the Los Angeles area, and in 1989 incorporated his operations as Hebaragi Bus, Inc., now dba Hebaragi Shuttle.

2. In 1989, John Berrisford dba Desert Shuttle, by D.89-09-079 in A.89-06-057 was granted authority to operate as a passenger stage corporation between certain cities in Riverside and San Bernardino Counties and the Los Angeles International Airport and the Ontario International Airport.

3. Berrisford now desires to discontinue his operations and to transfer his certificate of public convenience and necessity to Hebaragi Bus, Inc. dba Hebaragi Shuttle.

4. The transfer would not affect the territory or points currently served, or the nature of the service, which would continue as authorized and set forth in PSC-5870.

5. Hebaragi Bus, Inc. dba Hebaragi Shuttle additionally seeks authorization to extend the service territory sought to be transferred to include portions of Los Angeles County and Burbank Airport.

6. Kim has the ability, including financial ability, to continue to operate under the passenger stage operating authority here sought to be transferred, and to provide service to the service territory extension sought.

7. It can be seen with reasonable certainty that there is no possibility that the extended activity proposed may have a significant adverse effect on the environment.

8. Public convenience and necessity require granting authorization to provide the proposed service to the extended territory.

9. The proposed sale and transfer of the passenger stage operating authority, and the requested extension of service territory is not adverse to the public interest.

10. Because the ensuing decision will benefit the traveling public by providing for continuance of needed service, it should be made effective today.

11. No protest having been received, a public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. This authorization is not a finding of the value of the rights and properties over which control is being acquired.

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. Within 12 months after today, John Berrisford dba Desert Shuttle may sell and transfer the operative rights specified in PSC-5870 to Hebaragi Bus, Inc. dba Hebaragi Shuttle.

2. If the transfer is completed, on the effective date of the amended or reissued tariffs of the transferor referred to in Section b of Ordering Paragraph 3 of this order, a certificate of public convenience and necessity is granted to Hebaragi Bus, Inc. dba Hebaragi Shuttle, authorizing it to operate as a passenger stage corporation as defined in PU Code § 226 between the points and over routes theretofore served by the transferor, and adding

certain portions of Los Angeles County and Burbank Airport, all as set forth in Appendix PSC-7254 of this decision, to transport persons and baggage.

3. The transferee shall:

- a. Within 30 days after the transfer, file with the Transportation Division written acceptance of the certificate, and a copy of the bill of sale or other transfer document.
- b. Amend or reissue the transferor's tariffs and timetables, adding thereto provisions with respect to the expanded territory and timetable, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.

Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.

4. The certificate of public convenience and necessity granted the transferor by Decision 89-09-079 is revoked on the effective date of the tariffs referred to in Section b of Ordering Paragraph 3 of this order.

5. Before beginning service to the Burbank Airport, Hebaragi Bus, Inc. dba Hebaragi Shuttle shall notify the airports' governing body. The certificate holder shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

6. Transferee shall comply with PU Code §§ 460.7 and 1043 relating to the Workers' Compensation laws of this state.

7. No operations are authorized to begin before the date that the Commission's Executive Director mails a notice to transferee that transferee's evidence of insurance is on file with the Commission and that the California Highway Patrol has approved use of transferee's vehicles for service.

8. The application both for a transfer and extension of authority is granted as set forth above.

This order is effective today.

Dated April 8, 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

T/MEE/ebi

Appendix PSC-7254

Hebaragi Bus, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7254

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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This certificate supercedes all operative authority  
previously granted to John B. Berrisford or his predecessors by  
D.89-09-077 dated September 27, 1989, in Application 89-06-057.

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Issued under authority of Decision 92-04-014, dated  
April 8, 1992 of the Public Utilities Commission of the  
State of California in Application 91-04-041.

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Appendix PSC-7254

Hebaragi Bus, Inc.

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Issued by California Public Utilities Commission.

Decision 92-04-014, Application 91-04-041.



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

Hebaragi Bus, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage on an on-call, door-to-door basis between the Los Angeles International Airport (LAX) or Burbank Airport (BUR) and points in Los Angeles County, described in Section 2, on the one hand, and between LAX, BUR or Ontario Airport (ONT) and points in Riverside County, described in Section 2, 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 routes at any time and subject to the following provisions:

- (a) This certificate does not authorize the holder to conduct any operations 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) No passengers shall be transported except those having a point of origin or destination at LAX, BUR or ONT.
- (d) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

Los Angeles County

All points within the geographical limits of the following postal zip code communities in the City of Los Angeles (LA):

Koreatown LA 90005, 90006, 90019, 90020  
Downtown LA 90013, 90014, 90015, 90017, 90057, 90071

Riverside County

All points within the geographical limits of the following cities in the Coachella Valley:

Indio, La Quinta, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs and Desert Hot Springs.

SECTION 3. ROUTE DESCRIPTIONS (On-Call, Door-to-door, Service)

Route 1. Commencing at LAX or BUR then via the most convenient streets and highways to any point within the authorized Los Angeles County service area described in Section 2.

Route 2. Commencing at LAX, BUR or ONT then via the most convenient streets and highways to any point within the authorized Riverside County service area described in Section 2.

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