

Mailed
MAY 11 1992

Decision 92-05-024 May 8, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
32nd Street Pier Group, Inc., a)
California Corporation, for authority)
to provide service between San Diego)
International Airport, (Lindbergh Field),)
on one hand, and to establish a zone of)
rate of freedom for all service points.)

ORIGINAL

Application 91-07-030
(Filed July 23, 1991;
amended November 20, 1991)

O P I N I O N

32nd Street Pier Group, Inc., a California corporation, (applicant), seeks authority under § 1031, et seq., of the Public Utilities (PU) Code to provide on-call and regularly scheduled passenger stage services between points in San Diego County and San Diego International Airport (SAN). While this corporation holds no other authority from this Commission, Sam and Lisa Vertelney, principals representing applicant, are also principals of Military Bus Express, operating under PSC-6120 Decision 90-05-057, and TCP-6120-B.

The proposed operation will include on-call service between SAN and certain communities in San Diego County, as well as a regularly scheduled service between SAN and certain military installations in San Diego.

On November 20, 1991, applicant filed an amendment to correct deficiencies in the application including but not limited to rules and regulations to govern the proposed services, a timetable for the scheduled service, a balance sheet and a pro forma projected annual income statement. In addition, applicant has served a copy of the statement on each interested party. Notice of the filing of the amendment appeared in the Commission's Daily Transportation Calendar on December 13, 1991.

Staff believes applicant has the necessary experience and resources to provide the proposed services.

For the proposed service, applicant also requests a zone of rate freedom fares (ZORF) for all of its service points. A ZORF may be established only when the applicant is operating in competition with other similar carriers. Obviously, applicant has yet to operate the proposed sought service and test the market.

Findings of Fact

1. The Commission has considered the effect of applicant's proposed service upon the operations of the public transit operators serving the territory applicant requests authority to serve.

2. The application was noticed by publication in the Commission's Daily Transportation Calendar and by service by mail as required in our rules. No protests have been received, and no hearing is necessary.

3. Public convenience and necessity require the proposed service. Since the service is now needed, the decision should be effective today.

4. Applicant's principals are fit and proper persons to control a passenger stage corporation.

5. The proposed service has yet to be exposed to competitive forces. The request to establish a ZORF is premature.

Conclusion of Law

Except for the ZORF, the application should be granted as filed.

Only the amount paid to the State for operative rights and 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to 32nd Street Pier Group, Inc., a California corporation, authorizing it 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-7549, to transport persons, baggage, and/or express.

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 that the Executive Director mails a notice to applicant that its

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.

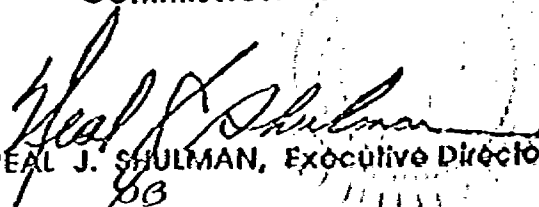
6. The application is granted as set forth above except to establish a zone of rate freedom.

This order is effective today.

Dated May 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

I N D E X

	<u>Page</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION 2. SERVICE AREA DESCRIPTION.....	3
SECTION 3. ROUTE DESCRIPTIONS.....	3

Issued by California Public Utilities Commission.

Decision 92-05-024, Application 91-07-030.

T/MEE/ebi

Appendix PSC-7549 32nd Street Pier Group, Inc. Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7549

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 92-05-024, dated
May 8, 1992 of the Public Utilities Commission of the
State of California in Application 91-07-030.

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

32nd Street Pier Group, 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 an on-call, door-to-door basis, between points in San Diego County, described in Section 2, and the San Diego International (SAN), on the one hand, and a regularly scheduled service between military installations in San Diego County, described in Section 3, and SAN, 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 SAN.
- (d) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which each authorized on-call service will be provided, and shall include the description of each designated scheduled stop or the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- (e) Scheduled services will be provided only between the hours of 5:00 a.m. and 11:00 a.m., 7 days per week.

Issued by California Public Utilities Commission.

Decision 92-05-024, Application 91-07-030.

SECTION 2. SERVICE AREA DESCRIPTIONS.

San Diego County

All points within the geographical limits of the cities or zip code communities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, Rancho Santa Fe/Fairbanks Ranch, San Diego and Solana Beach.

SECTION 3. ROUTE DESCRIPTIONS

Route 1. On-call, door-to-door, service

Commencing at SAN, then via the most convenient streets and highways to any point within the service area described in Section 2.

Route 2. Scheduled service

Commencing at SAN, then via the most convenient streets and highways to the following designated stops:

The Naval Training Center (NTC), AntiSub Warfare Base (ASW), Balboa Hospital and the Submarine Base at Point Loma.

Route 3. Scheduled service

Commencing at SAN, then via the most convenient streets and highways to the following designated stops:

The 32nd Street Naval Base, North Island Naval Base and the Amphibious Base on North Island.

Issued by California Public Utilities Commission.

Decision 92-05-024, Application 91-07-030.