

MAY 20 1992

Decision 92-05-048 May 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Alfredo and Rosita G.)
 Andres dba Sacramento Airport)
 Transit to transfer their)
 certificate of public convenience)
 and necessity and all other assets)
 to Air Commuter, Inc., a California)
 corporation. This request is made)
 pursuant to Section 851 et. seq. of)
 the California Public Utilities Code.)

ORIGINAL

Application 92-01-051
(Filed January 22, 1992)

O P I N I O N

Alfredo and Rosita G. Andres (Andres or transferors), a partnership doing business as Sacramento Airport Transit, request authority to transfer their passenger stage and charter party operating authority (PSC-1435 and TCP-1435-P) to Air Commuter, Inc. (corporation or transferee), a California corporation wholly owned by transferors.

An advice of participation planned by Transportation Division states as follows:

"This is a request to transfer the passenger stage certificate of Andres to the corporation, that operates between points in the counties of Sacramento, Yolo, El Dorado, and Placer, on the one hand, and Sacramento Metropolitan Airport, on the other. Andres will also own the corporation. Total assets in the amount of \$122,116 and owner's equity of \$92,035 will be transferred to the corporation. This application was noticed in the Transportation Calendar of January 31, 1992.

"Staff recommends that in the absence of protest, the application be granted by ex parte order. Staff will prepare and draft the Certificate after reviewing the draft decision prepared by the ALJ Division.

"This proposed transfer is not subject to the Commission's moratorium for passenger stage service from or to SFO or LAX, as directed in Resolution TEA-1."

No protests have been filed.

Findings of Fact

1. Transferors are operating as a passenger stage corporation pursuant to certificate of public convenience and necessity number PSC-1435.

2. Transferors Alfredo and Rosita G. Andres are sole shareholders of transferee, Air Commuter, Inc., a California corporation incorporated January 3, 1992.

3. Transferee has the financial resources and the experience necessary to perform the proposed operations.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

2. Since transferee is already incorporated and this matter is noncontroversial, the order should be made effective on the date it is signed.

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. By June 30, 1992, Alfredo and Rosita G. Andres may transfer the operative rights and property specified in the application to Air Commuter, Inc. (transferee).

2. Transferee shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue transferors' tariffs and timetables, 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.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Air Commuter, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-7716, to transport persons, baggage, and express.

4. The certificate of public convenience and necessity granted by Decision 89-01-051 is revoked on the effective date of the tariffs.

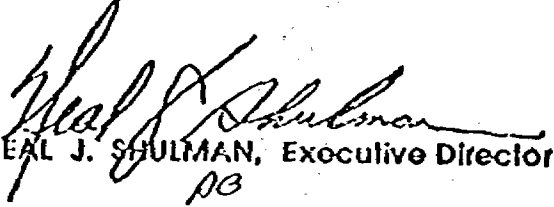
This order is effective today.

Dated May 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
PB

Appendix PSC-7716

Air Commuter, Inc.
(a corporation)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7716

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.

Supersedes authority heretofore granted to
Alfredo and Rosita G. Andres
by D.89-02-052

Issued under authority of Decision 92-05-048,
dated May 20, 1992, of the Public Utilities Commission of the
State of California in Application 92-01-051.

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Issued by California Public Utilities Commission.

Decision 92-05-048, Application 92-01-051.

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

This certificate supersedes all passenger stage operative authority granted to Alfredo and Rosita G. Andres.

Air Commuter, Inc., a California corporation, 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" basis, between points in the Counties of Sacramento, Yolo, El Dorado, and Placer, on the one hand, and Sacramento Metropolitan Airport (SMA), on the other hand, 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. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions 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 SMA.
- 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.

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SECTION II. SERVICE AREA.

Counties of Sacramento, Yolo, El Dorado and Placer.

SECTION III. ROUTE DESCRIPTION.

ON - CALL SERVICE

Commencing from any point or place in the Service Area described in Section II then over the most convenient streets and highways to Sacramento Metropolitan Airport.

Issued by California Public Utilities Commission.

Decision 92-05-048, Application 92-01-051.