

MAY 20 1992

Decision 92-05-049 May 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Gary Patrick
 Dunkerley, owner of Jet Express for
 Certificate of Public Convenience
 and Necessity to operate as a
 passenger stage carrier between
 customer residences in the cities
 of Atwater, Merced, and certain
 points in and around the Fresno Air
 Terminal.

ORIGINAL

Application 92-01-041
(Filed January 14, 1992)

O P I N I O N

Gary Patrick Dunkerley, doing business as Jet Express, seeks authority under Public Utilities Code § 1031 et seq. to operate scheduled transportation service between Atwater and Merced and certain points in and around the Fresno Air Terminal.

Applicant proposes to use Chevrolet or Ford vans with capacity of six passengers plus the driver. Service will be provided three times a day each direction, every day of the year except Thanksgiving, Christmas, and New Year's Day, as indicated in Attachment 1 of the application. Service is subject to advance reservations, and will not operate when advance reservations have not been made.

Applicant proposes fares of \$29 one-way and \$58 round trip, with children under 18 traveling with an adult charged half-fare.

The unaudited balance sheet attached to the application indicates applicant had a net worth of \$58,125 on January 7, 1992.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on January 29, 1992. The application was forwarded by applicant to competing transit companies and to the cities and counties applicant proposes to serve.

The Commission has received no protests or requests for hearing; therefore, a hearing is not necessary. The Transportation Division recommends that in the absence of protest, the application be granted by ex parte order.

As noted in the application, the availability of the proposed service should benefit the environment and the public through the resultant reduction of private vehicles on the road.

Applicant also requests that it be exempt from the requirements of Section 8.04 of General Order (GO) 158, which requires carriers serving airports to display tariffs and schedules in vehicles used in airport service, and to post that information in locations at the airport where tickets are sold. Applicant offers no further explanation of the request.

GO 158 allows an exemption for vehicles serving airports as part of through intercity service. Applicant does not qualify for the exemption, for the following reasons:

1. Applicant's proposed service is not intercity within the intent of GO 158; the service ends at either Fresno or the Fresno Air Terminal; no further through service beyond these points is offered and
2. The service appears to be primarily based on the needs of passengers using the Fresno Air Terminal. The two hotels to be served are used significantly by persons who use the Fresno Air Terminal.

The request for exemption should be denied.

Findings of Fact

1. Applicant requests authority to provide scheduled transportation between Atwater and Merced and certain points in and around the Fresno Air Terminal. Service will run only when advance reservations have been made.

2. No protests or requests for hearing have been received.

3. No protest to the application have been received from any public transit operator serving the territory applicant proposes to serve.

4. Applicant seeks but does not qualify for an exemption from the requirements of Section 8.04 of GO 158, since the proposed service is not intercity within the intent of GO 158.

5. Public convenience and necessity require that the proposed service be established.

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

Conclusions of Law

1. Public convenience and necessity have been demonstrated and the application should be granted as set forth in the following order.

2. Applicant should not be granted an exemption from the requirements of Section 8.04 of GO 158.

3. The order should be effective on the date signed because public convenience and necessity require prompt commencement of the proposed service.

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 features of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gary Patrick Dunkerley, doing business as Jet Express, 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 attached Appendix PSC-7717, to transport passengers and their baggage.

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 Order 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 the Executive Director mails a notice to applicant that it has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

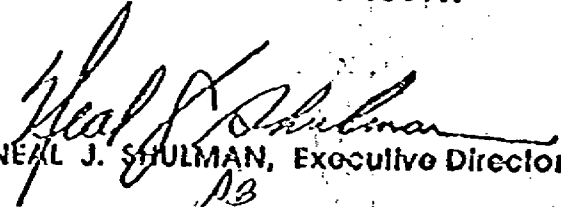
5. Applicant shall comply with PU Code §§ 460.7 and 1043, related to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.
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
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T/APH/jpk

Appendix PSC-7717

Gary Patrick Dunkerley

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC-7717
TO OPERATE AS A
PASSENGER STAGE CORPORATION

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

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 92-05-049, dated May 20, 1992,
of the Public Utilities Commission of the State of California in
Application 92-01-041.

T/APH/jpk

Appendix PSC-7717

Gary Patrick Dunkerley

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Issued by California Public Utilities Commission.
Decision 92-05-049, Application 92-01-041.

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

Gary Patrick Dunkerley, 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 points in the cities of Atwater and Merced and the Fresno Air Terminal (FAT) and adjoining hotels, 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 the Fresno Air Terminal and adjoining hotels.
- 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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Appendix PSC-7717

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SECTION II. SERVICE AREAS

Area A. The cities of Atwater and Merced

Area B. The Fresno Air Terminal and adjoining hotels

SECTION III. ROUTE DESCRIPTION.

Via the most convenient streets and highways between Service Area A and Service Area B as described in Section II.

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