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Decision 92-05-054 May 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Joseph D. Scott, Sr., DOING BUSINESS )  
 AS DEPENDABLE COMMUTER SERVICE, )  
 PSC-1445 To Transfer Certificates )  
 of Public Convenience and Necessity )  
 to Robert L. and Ellen M. Pearce, )  
 DBA PARADISE VALLEY COMMUTE AND )  
 CHARTER SERVICE. )

ORIGINAL

Application 92-01-018  
(Filed January 9, 1992)

OPINION

By this application, as amended, Joseph D. Scott, Sr., (transferor), doing business as Dependable Commuter Service, requests authority to transfer his certificate of public convenience and necessity (CPC&N) to operate as a passenger stage corporation to Robert L. and Ellen M. Pearce (transferees), doing business as Paradise Valley Commute and Charter Service.

Transferor's certificate authorizes home-to-work service between San Jose, Milpitas, and Fremont, on the one hand, and United Airlines Maintenance Base in South San Francisco, on the other hand. Transferor asserts that he is no longer interested in operating as a passenger stage corporation. Sale price of the certificate is \$15,000. Transferees' balance sheet dated November 1991 shows assets of slightly over \$1,000,000, and a net worth of \$783,792. A statement projecting earnings for one year indicates operating revenues of \$520,000 against expenses of about \$134,000. Transferor's annual report for 1990 shows revenues of \$14,500 and total expenses of a little over \$25,000. Transferees state that their estimated annual revenues are based on the anticipated daily operation, during three shifts, of full busloads over three different routes.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar. No objection has been received. The Commission's Transportation Division recommends that the application be granted.

Findings of Fact

1. Transferor holds a CPC&N authorizing operations as a passenger stage corporation in home-to-work service between San Jose, Milpitas, and Fremont, on the one hand, and the United Airlines Maintenance Base in South San Francisco, on the other hand.
2. Transferor proposes to transfer his certificate to transferees Robert and Ellen Pearce.
3. Transferees possess the capital necessary to operate the certificated service presently conducted by transferor.
4. The proposed transfer will not be adverse to the public interest.

Conclusions of Law

1. The application should be granted.
2. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Joseph D. Scott, Sr. (transferor) is authorized to transfer the certificate of public convenience and necessity (CPC&N) described in the application to Robert and Ellen Pearce (transferees).
2. Transferees shall:
  - a. File with the Transportation Division a 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 transferor's 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 Order Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- d. File an annual report of transferor's operations for the period from the first day of the current year to the date of transfer.
- e. Maintain accounting records in conformity with the 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. If the transfer of the CPC&N is completed, on the effective date of the tariffs a CPC&N is granted to transferees, authorizing them to operate as a passenger-stage corporation, as defined in Public Utilities Code § 226, between the points and over the routes set forth in Appendix PSC-7359, to transport persons and their baggage.

4. The CPC&N granted by Decision 90-01-043 is revoked on the effective date of the tariffs.

5. 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 both this Commission and the airport authority involved.

6. Transferees shall comply with Public Utilities Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

7. Transferees are authorized to begin operations on the date that the Executive Director mails a notice to them that there is evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of transferees' vehicles for service.

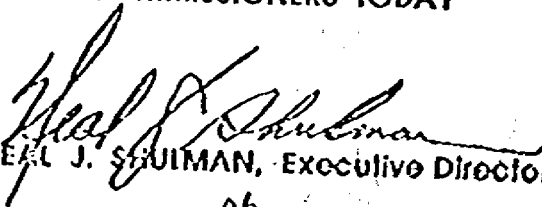
8. Transferees shall assess rates no higher than those presently named in the tariff of transferor until such time as increases in such rates may be authorized by the Commission.

9. The application is granted as set forth above.  
This order becomes effective 30 days from 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

T/MM

Appendix PSC-7359

Robert L. Pearce  
and Ellen M. Pearce

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-7359

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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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Supersedes authority heretofore granted to  
Joseph D. Scott, Sr.  
by D.90-01-043.

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Issued under authority of Decision 92-05-054,  
dated May 20, 1992, of the Public Utilities Commission  
of the State of California in Application 92-01-018.

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

This certificate supersedes all passenger stage operative authority granted to Joseph D. Scott, Sr.

Robert L. Pearce and Ellen M. Pearce, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport only home-to-work passengers and their baggage between points and areas described in Section II subject, however, to the authority of this Commission to change or modify the routes or service areas 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. Service will be operated only at the designated service points and service areas listed in Sections II.
- c. Service shall be operated on a scheduled basis. Such schedules shall be the timetable filed with the Commission.
- d. Home-to-work passengers means persons who are transported from their home locations to their work locations and or vice versa.

Issued by California Public Utilities Commission.

Decision 92-05-054, Application 92-01-018.

SECTION II. ROUTE DESCRIPTION.

ROUTE A: San Jose - United Airlines Maintenance Base, North  
Parking Lot

Commencing from the following points:

1. VIP Pizza , Blossom Hill Road, San Jose
2. Capital Expressway and McLaughlin, San Jose
3. McKee and Jose Figueroa, San Jose
4. Landess Avenue and Park Victoria, Milpitas
5. Stevenson Boulevard and Blacow Road, Fremont

Then proceeding along the most appropriate streets and highways to United Airlines Maintenance Base, North Parking Lot, at San Francisco International Airport.

Issued by California Public Utilities Commission.

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