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Decision 92-07-010 July 1, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. R. (Cisco) Zavaleta, dba)
 Tri-Terminal Limousine Service and)
 San Francisco VIP Coach Tours, Inc.)
 for transfer Passenger Stage)
 Authority PSC 1227 pursuant to)
 Sections 851 and 854 of the Public)
 Utilities Code.)

Application 92-03-024
(Filed March 11, 1992)

O P I N I O N

J. R. Zavaleta, dba Tri-Terminal Limousine Service (Transferor) holds a certificate of public convenience and necessity (CPCN) authorizing operations as a passenger stage corporation as follows: between San Francisco, on the one hand, and San Francisco International Airport (SFO) and Muir Woods, on the other hand, and between SFO, on the one hand, and Oakland International Airport (OAK) and San Jose Municipal Airport (SJO), on the other hand.

Transferor seeks authority to transfer his certificate to San Francisco VIP Tours Inc. (Transferee).

The application states that:

"Transferee is a newly formed California Corporation which is providing service to the San Francisco International Airport and which is currently operational. Transferor owns fifty-one (51%) percent of Transferee. Transferee proposes to lease six or more vehicles for the purpose of effectuating the service hitherto authorized to be provided by Transferor.

"The Transferor is in need of additional capital and management personnel. Transferee is able by virtue of the personnel involved in the corporation to provide more services to the public which the Transferor is authorized to provide. Transferee will also be able to

provide needed capital for expansion of equipment to be operated.

"It is anticipated that the Transferor's operation can be profitable through the increased cash and clientele that can be provided by the Transferee."

Applicants represent that the proposed transaction is fair, just, reasonable, and beneficial not only to the parties, but also to the public. Transferor will maintain a fifty-one (51%) percent interest in Transferee. Transferee's other shareholder, John R. Zavaleta Jr., has provided capital, experience, and expertise and will be a forty-nine (49%) percent shareholder in the Transferee.

The terms of the agreement are set forth in the interim operating agreement which is attached to the application as Exhibit D. Pursuant to that agreement, Transferee will purchase the operating rights of Transferor and Transferor will be issued fifty-one (51%) percent shares in the corporation in exchange therefor. A Certificate of Resolution of the Transferee's Board of Directors in which the Transferee approves this application is attached hereto as Exhibit E.

After the consummation of the proposed transaction, Transferee expects to conduct an expanded version of the service which Transferor provides today. Transferee believes that such service will be favorably received by the passengers who have been Transferor's patrons in the past.

The application alleges that:

"The proposed transaction will not have any adverse effect upon Applicant's passenger stage or charter operations in California. Further, Applicants respectfully represent that the proposed transaction is consistent with the public interest, will have no adverse effect upon the environment, is mutually beneficial to the Applicants, and will foster the public interest."

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar of March 17, 1992. The Commission's Transportation Division staff has recommended, in its Advice of Participation dated April 21, 1992, that in the absence of any protests, the application be granted by ex parte order.

Findings of Fact

1. Transferor holds a CPCN authorizing operations as a passenger stage corporation as described above.
2. Transferor seeks authority to transfer his CPCN authorizing operations as a passenger stage corporation to transferee.
3. No protests to the application have been received.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

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

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 September 1, 1992, J. R. (Cisco) Zavaleta may sell and transfer the operative rights (and property) specified in the application to San Francisco VIP Coach Tours, Inc.
2. Purchaser 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 seller'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 Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- d. File an annual report of seller'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 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 is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to San Francisco VIP Coach Tours, 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-7771.

4. Operations may begin on the date that the Executive Director mails a notice to purchaser that its evidence of insurance is on file with the Commission and that the CHP has approved the use of purchaser's vehicles and terminal for service.

5. The certificate of public convenience and necessity granted by Decision (D.) 82-05-061, as amended by D.91-05-013, is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated July 1, 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/APH/jpk

Appendix PSC-7771

San Francisco VIP
Coach Tours, Inc.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC-7771
TO OPERATE AS A
PASSENGER STAGE CORPORATION

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 92-07-010, dated July 1, 1992,
of the Public Utilities Commission of the State of California in
Application 92-03-024.

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

San Francisco VIP Coach Tours, 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" basis, between the termini designated or certain territories over and along the routes described, subject, however, to the authority of this Commission to change or modify these routes 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) No service shall be provided to or between intermediate points.
- (c) 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.
- (d) Applicant shall not pick up or discharge passengers on Routes 2 and 3 except within the limits of the specified passenger service areas at the airports specified.
- (e) Applicant shall not pick up or discharge passengers in San Francisco on Route 4 except between the Embarcadero and Market Street extension to Polk Street and North Point Street.
- (f) Route 4 is to be operated on a seasonal basis, April 1 through September 30.

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SECTION II. ROUTE DESCRIPTIONS.

Route 1

Beginning at any point or points in the City and County of San Francisco, then via the most convenient streets and highways to the San Francisco International Airport.

Route 2

Beginning at the passenger terminal at San Francisco International Airport, then via the most convenient streets and highways to the Oakland International Airport.

Route 3

Beginning at the passenger terminal at San Francisco International Airport thence via the most convenient streets and highways to the San José International Airport.

Route 4

Beginning in the City and County of San Francisco on the Embarcadero at the prolongation of Market Street; thence via the Embarcadero, Taylor Street, Beach Street, Polk Street, North Point Street, Van Ness Avenue, Lombard Street (U.S. Highway 101), U.S. Highway 101, Alexander Avenue (South Sausalito exit), South Street, Second Street, Richardson Street, Bridgeway to the terminal at Johnson Street, thence via Bridgeway, U.S. Highway 101, State Highway 1, Panoramic Highway and Muir Woods Road to the Visitor Center in the Muir Woods National Monument.

Route 4 - Return

Return departure from the Visitor Center at Muir Woods National Monument shall be via Muir Woods Road, State Highway 1 to U.S. Highway 101 thence via the reverse of the above described route.

(END OF APPENDIX)

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