

AUG 11 1992

Decision 92-08-005 August 11, 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  
 (Petition for Modification  
 of Decision 92-05-049  
 filed May 26, 1992)

OPINION MODIFYING DECISION 92-05-049

Background

Applicant Gary Patrick Dunkerley, doing business as Jet Express, was granted authority to operate scheduled transportation three times a day subject to advance reservations, between Atwater and Merced and certain points in and around the Fresno Air Terminal, with service every day of the year except Thanksgiving, Christmas, and New Year's Day, pursuant to Decision (D.) 92-05-049.

Modification of D.92-05-049

On May 26, 1992, applicant filed a petition for modification of D.92-05-049 (petition) to authorize service within a three-mile radius of the city limits of Atwater and Merced, and to authorize no service on Easter Sunday. D.92-05-049 does not authorize service outside the cities of Atwater and Merced. Applicant believes it is necessary to operate beyond the city limits where many people reside in order to adequately serve the public. Applicant also wishes to not provide service on Easter Sunday since it is not likely to be a day of heavy demand; applicant wishes to use this as a day of rest and worship.

Applicant further requests waiver of Rule 8.3 of the Commission's Rules of Practice and Procedure, which requires that protests be filed within 30 days after the notice of applications

of this type first appear in the Commission's Daily Transportation Calendar. Applicant argues that since there were no protests to the original application, and no competition to the proposed service exists, no protests to the amendment will be filed.

The Commission will not waive the protest period; while it is unlikely that any protest will be received, it is nevertheless possible that parties may now have concerns.

Notice of filing of the petition appeared in the Commission's Daily Transportation Calendar on June 8, 1992.

There are no protests to the petition; therefore, a hearing is not necessary.

The petition is reasonable and will be adopted. The increased service area will improve service to the public. Lack of service on Easter Sunday will not be a significant disadvantage to the public.

Findings of Fact

1. Applicant requests that D.92-05-049 be modified to authorize service to the area surrounding Atwater and Merced, and to authorize no service on Easter Sunday.

2. Applicant requests that the Commission waive Rule 8.3 of the Commission's Rules of Practice and Procedure.

3. Notice of filing of the petition appeared in the Commission's Daily Transportation Calendar on June 8, 1992.

4. No protests have been filed.

5. A public hearing is not necessary.

6. Because of the need to implement the modification promptly, this order should be effective on the date signed.

Conclusions of Law

1. Rule 8.3 of the Commission's Rules of Practice and Procedure should not be waived.

2. In all other respects the petition is reasonable and should be adopted.

O R D E R

IT IS ORDERED that:

1. Gary Patrick Dunkerley's (applicant) petition for modification of Decision (D.) 92-05-049 is granted; applicant is authorized to operate scheduled transportation service to points within a three-mile radius of the city limits of Atwater and Merced. Applicant is not required to provide service on Easter Sunday.

2. The certificate of public convenience and necessity granted to applicant is revised to add the extended service area as set forth in First Revised Page 3 which cancels Original Page 3 of Appendix PSC-7717.

3. Except to the extent modified by this decision, D.92-05-049 remains in full force and effect.

This order is effective today.

Dated August 11, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
NEAL J. SHULMAN, Executive Director

T/APH/jpk

Appendix PSC-7717

Gary Patrick Dunkerley

First Revised Page 3  
Cancels  
Original Page 3

SECTION II. SERVICE AREAS

\*Area A. The cities of Atwater and Merced, along with surrounding areas 3 miles out from the city limits of these two cities.

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.

Issued by California Public Utilities Commission.

\* Revised by Decision 92-08-005, Application 92-01-041.