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Decision 92-08-010 August 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Michael S. Mitchell,)
 Space Ship Shuttle, for certificate)
 of public convenience and necessity)
 to operate as a passenger stage)
 service between certain portions of)
 Los Angeles County and Orange County)
 and Los Angeles International)
 Airport (LAX) and John Wayne Orange)
 County Airport.)

ORIGINAL

Application 88-10-054
 (Petition for Modification
 of Decision 89-11-003
 filed May 29, 1992)

SUPPLEMENTAL OPINION

Michael Mitchell and Bruce Hector, a partnership doing business as Mickey's Space Ship Shuttle, have filed a Petition for Modification of Decision (D.) 89-11-003 issued on November 3, 1989.

D.89-11-003 granted on-call passenger stage authority between Los Angeles International Airport (LAX) and John Wayne Airport to and from points within Los Angeles and Orange Counties. The instant petition seeks to have the on-call transportation authority granted in D.89-11-003 modified to show specific times when applicants' vehicles will depart from LAX. Applicants suggest that their proposed departure from LAX timetable was omitted from their certificate of public convenience and necessity by mistake.

We find no error in applicants' certificate (PSC-5244). Addressing the request for a departure timetable from LAX, we said in D.89-11-003:

"Applicants wish to provide a one-way scheduled service from LAX to hotels in Downtown Los Angeles, such hotels to be selected by on-board passengers. They seek to provide a further one-way scheduled service from LAX to points in Orange County, these points also to be chosen by on-board passengers.

"As applicants will be authorized to serve Los Angeles hotels and Orange County points from LAX on an on-call basis, we see no reason to grant one-way scheduled authority in this case.

"Mitchell informs us that he has discussed scheduled bus service requirements with the Los Angeles Department of Airports, but has not yet learned whether, or under what conditions, the 15-passenger vehicles he proposes to operate will be permitted to park and load passengers at LAX.

"As 'on-call' service at airports simply entails picking up waiting passengers who, in most cases, have no advance reservation, applicants will require only the Department of Airports' approval of outgoing scheduled service from LAX for them to file appropriate tariffs and timetables." (Emphasis supplied.)

We take official notice that LAX landside management controls the movement of passenger stage vehicles coming into and departing from LAX. Airport management may require passenger vans to depart in turn or at fixed times, in its discretion. In the event that it chooses to do so, LAX assignment of specific departure times to an on-call carrier does not require any change in that carrier's Commission-granted authority. All that is required is that airport-approved timetables be filed with the Transportation Division.

Amendment to Petition

On June 9, 1992, applicants filed an amendment to their Petition for Modification. The amendment corrects the name of applicants as shown on the petition and requests that Application (A.) 88-10-054 be changed from a request for on-call service to a request for scheduled service.

The amendment was protested by Ground Systems, Inc. and by Airport Cruiser, Inc., two carriers providing scheduled service in the areas where applicants have on-call authority by virtue of D.89-11-003.

Any request by applicants for new authority, such as scheduled service to and from LAX, must be presented to the Commission in the form of a new application filed in accordance with the Rules of Practice and Procedure. Final Commission action in A.88-10-054 was taken in D.89-11-003, and the docket closed.

The amendment to the petition, being in fact an attempted amendment to the original application, should be dismissed. The protests to the amendment should be dismissed as moot.

Findings of Fact

1. Applicants were granted on-call passenger stage corporation authority to and from LAX in D.89-11-003.

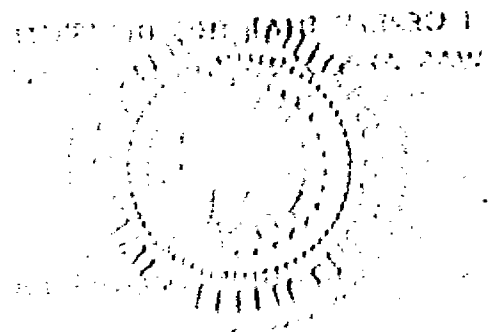
2. Applicants request that their on-call authority (PSC-5244) be modified to show specific times when their vehicles will depart from LAX.

3. LAX landside management controls the movement of passenger stage vehicles coming onto and departing from LAX and, in the exercise of that control, may require passenger vans to depart from the airport either in turn or at fixed times, in its discretion.

4. LAX assignment of specific departure times to an on-call carrier does not require any change in that carrier's Commission-granted authority.

Conclusion of Law

The Petition for Modification, the Amended Petition for Modification, and Protests thereto should be dismissed.



SUPPLEMENTAL ORDER

IT IS ORDERED that the Petition for Modification, the Amended Petition for Modification, and Protests thereto are dismissed and the docket is closed.

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


- 4 - NEAL J. SHULMAN, Executive Director