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ORIGINAL

Decision 92-08-019 August 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ground Systems, Inc. dba Airport)	
Coach for a Class B Charter Party)	Application 92-04-039
Certificate, with home terminal)	(Filed April 14, 1992)
in Anaheim, California.)	

O P I N I O N

Ground Systems, Inc. dba Airport Coach, a California corporation has applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers. Applicant hold Commission operating authority PSC 5219. It operates daily scheduled bus service between Anaheim and LAX and between Anaheim and Orange County Airport. It has been operating bus service for over four years. Applicant states that it intends to operate as a common carrier by motor vehicle in intrastate commerce over irregular routes, transporting passengers in charter operations between points within 40 air miles of its home base in Anaheim and all points in California. Applicant alleges that the proposed operations are required by requests from various organizations for service.

Western Stage Line, Inc. (Western), a holder of a Class B charter party certificate with a home terminal in Gardena protested. It asserts that applicant's Class B certificate would overlap Western's origin territory and could potentially have an adverse impact upon its existing charter service. Western also alleges that applicant does not have adequate equipment to perform the service and that there are sufficient Class B carriers to meet the needs of the public. Western requests a public hearing.

Western's protest is without merit. Apparently, it was filed in retaliation for a protest applicant filed against Western. Western's terminal is about 25 miles from applicant's; they do not

serve the same territory. In the past few months, this Commission has issued at least five Class B certificates to operators whose terminals are much closer to Western's terminal than is applicant's terminal. Western did not protest those applications. In the past four years, we have issued well over 100 Class B certificates, all without protest. This is a competitive field. The Commission's Transportation Division recommends that the application be granted ex parte.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal at Anaheim, California.
4. A public hearing is not necessary.
5. 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 a certificate should be granted.
2. This order should become effective immediately as public convenience and necessity have been demonstrated.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed triennially, is granted to Ground Systems, Inc. authorizing it to operate as a Class B charter-party carrier of passengers, as

defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at Anaheim, California.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.
- d. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. The Tariff and License Branch will issue the triennial renewable certificate on Form PL-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 157 and 115 and the CHP safety rules.

5. Prior to initiating service to any airport, applicant shall notify the airport authority involved. 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. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is regulated under Public Utilities Code § 5384(c). It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

7. The application is granted as set forth above.
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. SHUMAN, Executive Director