

SEP 3 1992

Decision 92-09-021 September 2, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Exclusive Management Services, Inc., )  
 and San Diego County Transit )  
 Management, Inc., both California )  
 Corporations to transfer a Passenger )  
 Stage Certificate of Public )  
 Convenience and Necessity pursuant )  
 to Section 851 et seq. of the )  
 California Public Utilities Code. )

Application 92-04-033  
(Filed April 1, 1992)

O P I N I O N

By joint application filed April 1, 1992, Exclusive Management Services, Inc. (EMSI), a California corporation, and San Diego County Transit Management, Inc. (SDCTM), a California corporation, seek the transfer of Passenger Stage Certificate of Public Convenience and Necessity (CPC&N) PSC-4760 from SDCTM to EMSI.

Notice of the filing of the application was published in the Friday, May 1, 1992 issue of the Commission's Daily Calendar. No protests to the application have been filed, and no hearing is required.

Background

By Decision (D.) 89-09-066 issued September 27, 1989 in connection with Application (A.) 89-02-041, SDCTM was issued CPC&N Number PSC-4760 authorizing it to establish and operate passenger stage service for the transportation of passengers and baggage in on-call airport transportation between San Diego International Airport (Lindbergh Field), on the one hand, and all points in San Diego County on the other. SDCTM currently operates such a service under the name "Coast Shuttle."

At the time of issuance of the above-mentioned CPC&N, SDCTM operated, and to the present continues to operate in San

Diego County, a taxicab company under the name "Coast Cab." Coast Cab currently operates 83 fully-equipped taxicabs using two full-time radio dispatch frequencies. Further, Coast Cab operates a full service auto repair shop and radio repair facilities on its premises. It also operates as a charter-party carrier of passengers under permit number TCP-4760-P.

According to the application, EMSI "was formed by the same principals and San Diego County Transit Management, Inc., for purposes of creating a thorough compliance regarding Decision 89-09-066 issued September 27, 1989 in regards to application A.89-02-041, thereby creating an absolute separation of current taxicab and passenger stage operations." (Application, paragraph 5.) Further, it is the expressed desire of SDCTM to "discontinue the operation authorized by the subject certificate [CPC&N] in order to focus solely upon it's existing taxicab operations." (Application, paragraph 8.) Presumably this means that the reason behind the creation of EMSI and the filing of this application is to create an entity to own and manage the passenger stage operations covered by CPC&N PSC-4760 separate and apart from the taxicab operations owned and conducted by SDCTM.

Since the principals of SDCTM set up EMSI, and since those principals have for several years successfully operated Coast Shuttle, the business now performing the service granted in the CPC&N sought to be transferred, in the absence of evidence to the contrary, it may be concluded that EMSI's officers have sufficient experience to successfully perform the obligations of the certificate they seek to have transferred to them from SDCTM.

A balance sheet dated March 20, 1992, indicates EMSI has total assets of \$345,000, total liabilities of \$102,300, and a net worth of \$242,700, from which it may be concluded that EMSI has sufficient financial resources to undertake the operations authorized by certificate number PSC-4760.

A transfer of the CPC&N from SDCTM to EMSI would have no impact upon the environment, nor would it be detrimental to the public interest. Such a transfer would, in fact, be in the public interest in that it would eliminate any question that the operation of the passenger stage might violate Section 3.02 of Commission General Order 158, which provides that such carriers are not authorized to engage in taxicab transportation services.

Findings of Fact

1. San Diego County Transit Management, Inc., is a California corporation and is the holder of CPC&N PSC-4760, authorizing it to operate a passenger stage service between San Diego International Airport (Lindbergh Field) and all points in San Diego County.

2. SDCTM provides the above service under the name "Coast Shuttle."

3. In addition to its passenger stage operations, SDCTM operates a taxicab company under the name "Coast Cab."

4. Exclusive Management Services, Inc. is a California corporation.

5. Both SDCTM and EMSI have their principal place of business at 4320 Viewridge Avenue, Suite D, San Diego, California 92123, and both utilize telephone number (619) 292-6161.

6. EMSI was formed by the principals of SDCTM in order that the business of SDCTM might be focused solely on the operation of Coast Cab, and that the operations of Coast Cab and Coast Shuttle be owned and conducted by separate legal entities.

7. According to a balance sheet dated March 20, 1992, EMSI appears financially sound and capable of financing the undertaking for which it seeks authority.

8. EMSI officers have experience in passenger stage operations by reason of their operation under SDCTM of the service sought to be transferred from SDCTM to EMSI.

9. The transfer of CPC&N PSC-4760 from SDCTM to EMSI appears to be in the public interest.

Conclusions of Law

1. EMSI has sufficient financial assets to undertake the service for which it seeks authority.
2. EMSI's officers have sufficient experience to undertake the service for which it seeks authority.
3. The granting of the application is in the public interest.
4. The application should be granted.
5. EMSI should file a new tariff for this service.

O R D E R

IT IS ORDERED that:

1. By November 1, 1992, San Diego County Transmit Management, Inc. may sell and transfer the operative rights and property specified in the application to Exclusive Management Services, 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, California Highway Patrol (CHP) safety rules, Public Utilities (PU) Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of the State.

- 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 Exclusive Management Services, 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-7921, to transport persons and baggage, subject to compliance to Ordering Paragraph 5.

4. The certificate of public convenience and necessity granted by Decision 89-09-066 is revoked on the effective date of the tariffs.

5. Purchaser is authorized to begin operations on the date that the Executive Director mails a notice to the Purchaser, that it has evidence of insurance on file with the Commission and that the CHP has approved the use of purchaser's vehicles for service.

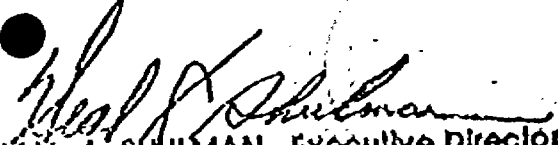
This order becomes effective 30 days from today.

Dated September 2, 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

T/MEE

Appendix PSC-7921

Exclusive  
Management Services, Inc.

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

This certificate supersedes all passenger stage operative authority granted to San Diego County Transit Management, Inc.

Exclusive Management Services, Inc., by the certificate of public convenience and necessity granted by decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis between points in San Diego County, on one hand, and San Diego International Airport (SAN) and San Diego Harbor (SDH), on the other hand, over and along the routes described, subject, however, to the authority of this Commission to change or modify the 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. 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.
- c. No passengers shall be transported except those having point of origin or destination at either SAN or SDH.
- d. 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.

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SECTION II. SERVICE AREA.

San Diego County

San Diego Harbor - Broadway Pier

San Diego International Airport

SECTION III. ROUTE DESCRIPTION.

Route 1. Commencing from any point in San Diego County  
to the San Diego International Airport.

Route 2. Commencing from any point in San Diego County  
to San Diego Harbor - Broadway Pier.

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