

SEP 16 1992

Decision 92-09-070 September 16, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Lolar Thepbouri and Weun T. Saelee, dba Airport Express Shuttle, for authority to operate as a passenger stage company between points in counties of Sacramento, Davis, Woodland, Roseville, Folsom, Elk Grove, and the Sacramento Metropolitan Airport.

ORIGINAL

Application 92-03-008 (Filed March 4, 1992)

O P I N I O N

Lolar Thepbouri and Weun T. Saelee, partners doing business as Airport Express Shuttle, seek authority under Public Utilities Code § 1031 et seq. to operate on-call transportation service between the Sacramento Metropolitan Airport and Elk Grove and certain other points in Sacramento County, and the Cities of Davis, Woodland, Roseville, and Folsom.

Applicants propose to use one 7-passenger and one 15-passenger van, either Chrysler or General Motors products. The vehicles will be garaged at 8005 38th Avenue in Sacramento. Service will be provided from 4:00 a.m. to 11:30 p.m. seven days a week.

Applicants propose one-way fares ranging from \$9 to \$35 for the first person; the additional fare for a spouse is \$8 and for a child \$6 to any destination.

Applicants allege that the proposed service is unique due to the points served and the proposed fares and convenience offered.

The unaudited balance sheet attached to the application shows a net worth of Airport Express Shuttle of \$31,075 on February 29, 1992.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar on March 12, 1992. Applicants were notified of deficiencies by letter of March 25, 1992 from Thomas Enderle of the Transportation Division (TD). The amendment to the application was filed on April 30, 1992. Notice of filing of the amendment to the application appeared in the Commission's Daily Transportation Calendar on April 13, 1992. The application and amendment were forwarded by applicants to the Sacramento Regional Transit, the Sacramento Metropolitan Airport, and the cities applicants propose to serve. By corrected Exhibit B attached to the application, the County of Sacramento was also served.

The Commission has received no protests or requests for hearing; therefore, a hearing is not necessary. TD recommends that in the absence of protest the application, as amended, be granted by ex parte order.

As noted in the application, the availability of the proposed service should benefit the environment and the public through the resultant reduction of private vehicles on the road.

Findings of Fact

1. Applicant requests authority to provide on-call transportation service between the Sacramento Metropolitan Airport and Elk Grove and certain other points in Sacramento County and the Cities of Davis, Woodland, Roseville, and Folsom.
2. No protests or requests for hearing have been received.
3. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve.
4. Public convenience and necessity require that the proposed service be established.
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 the application should be granted as set forth in the following order.

2. The order should be effective on the date signed because public convenience and necessity require prompt commencement of the proposed service.

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 features of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of convenience and necessity is granted to Lolar Thepbouri and Weun T. Saelee, authorizing them to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in the attached Appendix PSC-7778, to transport passengers and their baggage.

2. Applicants shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in their tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.

- 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. Before beginning service to any airport, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicants is authorized to begin operations on the date the Executive Director mails a notice to applicant that it has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

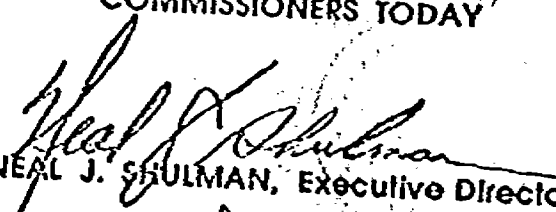
5. Applicants shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.
This order is effective today.

Dated September 16, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
Président
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/MM

Appendix PSC-7778

Lolar Thepbouri
and Weun T. Saelee

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7778

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 92-09-070,
dated September 16, 1992, of the Public Utilities Commission of
the State of California in Application 92-03-008.

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

Lolar Thepbouri and Weun T. Saelee, 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 points described in Section II, and Sacramento Metropolitan Airport (SMA), over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route 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 shall show the conditions under which each authorized on-call service will be offered and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination at SMA.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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T/MM

Appendix PSC-7778

Lolar Thepbouri ..
and Weun T. Saelee

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SECTION II. SERVICE AREA.

Sacramento County and the Cities of Davis,
Woodland, Folsom, Roseville, West Sacramento, and Elk Grove

SECTION III. ROUTE DESCRIPTION.

ON - CALL SERVICE

Commencing from any point or place in the Service
Area described in Section II then over the most convenient
streets and highways to Sacramento Metropolitan Airport.

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