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Decision 92-11-001 November 6, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARY L. ALLEN,
 DBA: UNITED VAN SERVICES for a
 certificate of public convenience
 and necessity to operate as a
 Passenger Stage Corporation in a
 home-to-work service between points
 of Vacaville and Fairfield in
 Solano County to United Airlines
 Maintenance Operations Base in
 San Mateo County and United Airlines
 Maintenance Operations Base in
 Alameda County.

ORIGINAL

Application 92-06-014
(Filed June 9, 1992)

Gary L. Allen, for himself, applicant.
Billy F. Blizzard, for Joanné Blizzard,
 protestant.
Masaru Matsumura, for the Transportation
 Division.

OPINION

By this application, Gary L. Allen (applicant), doing business as United Van Services requests authority to operate as a passenger stage corporation in home-to-work service between Vacaville and Fairfield, on the one hand, and the United Airlines Maintenance Operations Bases at San Francisco Airport (SFO) in San Mateo County, and the Oakland Airport in Alameda County, on the other hand.

Proposed fares and timetables to be observed are set forth in the application. Fares are shown on daily, weekly and monthly basis, and apply during day, swing, and midnight shifts. Applicant presently conducts a home-to-work vanpool service with three 14-passenger vans. He would expand his operations by adding three 14-passenger vans.

The application was protested by Joanné Blizzard (protestant) doing business as Easy Ride Commute, who alleges that she presently performs the same service sought to be performed by applicant; that there are illegal operators who currently perform this service; that there is no need for applicant's service; and that she is entitled to protection of the substantial investment which she has in her operation. Accordingly, the matter was set for evidentiary hearing in San Francisco on September 3, 1992 before Administrative Law Judge (ALJ) John Lemke, and was submitted with the close of hearing.

Included with the application is a profit and loss statement for the year 1991 showing total income of \$50,963 and total expenses of \$50,408. A balance sheet submitted by applicant dated May 31, 1992 shows assets of \$350,900 and liabilities of \$225,700, a net worth of \$125,200. Cash on hand is \$2,000, with savings of \$2,500 and investments of \$23,700. A "Proposed Income Statement" for the requested service, based on operations to be performed with six vans, shows projected annual income of \$132,000, annual expenses of \$110,700, and an estimated profit of \$21,300.

Applicant submitted several exhibits, consisting of letters and surveys of customers and prospective customers who state they would use his services if the application is granted. Many of these prospective customers have indicated in their letters that they are dissatisfied with protestant's service, for various reasons. Over 20 letters were submitted with the application professing this same dissatisfaction with protestant's service.

Public Utilities Code Section 1032(b) provides:

"The commission may, after a hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporation serving the territory will not provide service to the satisfaction of the commission."

The Commission encourages free entry of home-to-work passenger stage operations wherever a need exists. We take official notice of the growing problems of traffic congestion and air pollution in the greater Bay Area, and particularly in the areas which will be served, and we believe that any effort to get commuters out of their private automobiles and into mass transit vehicles will benefit the public as a whole. We therefore approve the application subject to applicant's compliance with the Commission's liability insurance requirements and other conditions contained in the appendix hereto. In granting the requested authority, we take into consideration the considerable evidence concerning customer dissatisfaction with the service performed by protestant.

Findings of Fact

1. Applicant seeks to operate as a passenger stage corporation for the transportation of passengers in home-to-work service between Vacaville and Fairfield, on the one hand, and the United Airlines Maintenance Bases in San Mateo and Alameda Counties, on the other hand.
2. Applicant has sufficient equipment available and experience necessary to operate the proposed service.
3. Applicant's cash on hand is sufficient to enable the startup of his proposed service considering the nature of the service and the circumstances of his proposed operation.
4. The proposed service is designed to be utilized by employees of the United Airlines Maintenance Bases in lieu of commuting to work in their private automobiles.
5. Granting this application will have no adverse effect upon the environment.
6. The passenger stage corporation service performed by protestant is not satisfactory.
7. Public convenience and necessity require the operation of applicant's proposed passenger stage service.

Conclusions of Law

1. The application should be granted.
2. Since there is an immediate need for the proposed service, this decision should be effective today.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gary L. Allen (applicant), doing business as United Van Services, authorizing him to operate as a passenger stage corporation between the points and over the routes set forth in Appendix PSC 8010, to transport persons and their baggage.
2. Applicant 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 his 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 Public Utilities (PU) Code § 403 when notified by mail to do so.
 - g. Comply with PU Code §§ 460.7 and 1043 relating to workers' compensation laws of this State.

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

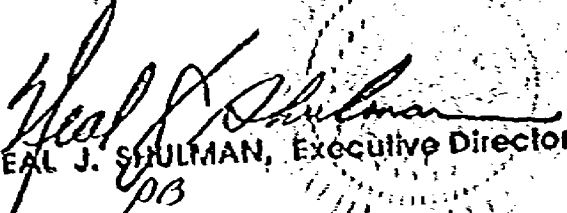
4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that his evidence of insurance is on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service, but in no event any sooner than the 10th day following the effective date of this order.

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

Dated November 6, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUNWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director
PB

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-8010

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 92-11-001,
dated November 6, 1992, of the Public Utilities Commission
of the State of California in Application 92-06-014.

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

Gary L. Allen by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport only home-to-work passengers and their baggage between points and areas described in Section II subject, however, to the authority of this Commission to change or modify the routes or service areas 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. Service will be operated only at the designated service points and service areas listed in Section II.
- c. Service shall be operated on a scheduled basis. Such schedules shall be the timetable filed with the Commission.
- d. Home-to-work passengers means persons who are transported from their home locations to their work locations and or vice versa.

Issued by California Public Utilities Commission.

Decision 92-11-001, Application 92-06-014.

SECTION II. ROUTE DESCRIPTION.

UNITED AIRLINES MAINTENANCE BASE - SFOVACAVILLERoute 1 - Vacaville /Day Shift

Commencing from the Park N'Ride lot on Cliffside Dr. and I-80, Vacaville, then over the most convenient streets and highways to United Airlines Maintenance Base at San Francisco International Airport (UAMB-SFO).

Route 2 - Vacaville /Swing Shift

Commencing from the old Safeway parking lot on Peabody Drive, Vacaville, then over the most convenient streets and highways to UAMB-SFO.

Route 3 - Vacaville /Midnight Shift

Commencing from the parking lot behind "Carl's Jr.", on Peabody Drive, Vacaville, then over the most convenient streets and highways to UAMB-SFO.

FAIRFIELDRoute 4 - Fairfield /Day Shift

Commencing from the Park N'Ride lot on Magellan St., Fairfield, then over the most convenient streets and highways to UAMB-SFO.

Route 5 - Fairfield /Swing Shift

Commencing from the Park N'Ride lot on Magellan St., Fairfield, then over the most convenient streets and highways to UAMB-SFO.

Route 6 - Fairfield /Midnight Shift

Commencing from the parking lot in front of "Food 4 Less" on Beck St., Fairfield, then over the most convenient streets and highways to UAMB-SFO.

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SECTION II. ROUTE DESCRIPTION (Concluded).

UNITED AIRLINES MAINTENANCE BASE - OAKVACAVILLE - FAIRFIELDRoute A - Vacaville - Fairfield /Day Shift

Commencing from the Park N'Ride lot on Cliffside Dr. and I-80, Vacaville, then over the most convenient streets and highways to the Park N'Ride lot on Cadenasso Dr., Fairfield, and to United Airlines Maintenance Base at Oakland International Airport (UAMB-OAK).

Route B - Vacaville - Fairfield /Swing Shift

Commencing from the old Safeway parking lot on Peabody Drive, Vacaville, then over the most convenient streets and highways to the Park N'Ride lot on Cadenasso Dr., Fairfield, and to UAMB-OAK.

Route C - Vacaville - Fairfield /Midnight Shift

Commencing from the parking lot behind "Carl's Jr.", on Peabody Drive, Vacaville, then over the most convenient streets and highways to the parking lot in front of "Food 4 Less" on Beck St., Fairfield, and to UAMB-OAK.

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