

NOV-23 1992

Decision 92-11-035 November 23, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Henry Dessipe for authority to operate a passenger stage corporation between points in the San Diego County and San Diego Airport.

ORIGINAL

Application 92-06-029 (Filed June 17, 1992)

OPINION

Henry Dessipe (applicant), doing business as American Rider, requests authority under Public Utilities (PU) Code § 1031 et seq. for a certificate of public convenience and necessity to establish and operate a passenger stage corporation between points in the County of San Diego and San Diego Airport.

Applicant served his application on government entities and regional transportation planning agencies as required by Commission Rules of Practice and Procedure, Rule 21(k). Notice of the application appeared on the Commission's Daily Calendar on July 1, 1992. No protests have been received.

Applicant proposes to provide on-call, door-to-door service 24 hours a day, seven days a week. Passengers are required to reserve transportation 24 hours in advance. Applicant attaches as Exhibit A a map of his proposed routes and service areas.

Applicant will operate 4 seven-passenger vans in his proposed service. These vehicles will be covered by liability insurance that exceeds \$750,000, the current minimum requirement of General Order 101-B. Applicant will house and maintain these vans at his service facility in San Diego. Qualified employees of applicant will maintain the vans. Applicant will employ outside maintenance contractors as required.

Applicant proposes to charge rates which are comparable with those of similar services.

Applicant's financial statement indicates a net worth of \$39,500, including cash of \$18,000.

Applicant currently operates a charter-party service under TCP 7857-P which is in good standing.

Applicant declares that the proposed service will benefit the environment and the public by reducing private vehicles on the roads and highways within the areas to be served. Therefore, granting the requested relief will have no significant adverse effect upon the environment of the areas to be served.

Applicant asserts that public convenience and necessity will be served by the granting of this application because the proposed service will be targeted to customers who do not speak English. Applicant knows of no controversy over granting the application.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
3. The rates proposed in the application are reasonable.
4. No protest to the application has been received from any public transit operator serving applicant's proposed territory or any other person or corporation.
5. The proposed service will have no significant effect on the environment.

Conclusion of Law

Public convenience and necessity require that the requested certificate be granted.

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 feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Henry Dessipe (applicant), dba American Rider, authorizing him 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 Appendix PSC-7857, to transport persons and 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 PU Code § 403 when notified by mail to do so.

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 he 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. Applicant 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 becomes effective 30 days from today.

Dated November 23, 1992, at San Francisco, California.

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

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


NEAL J. SCHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-7857

Henry Dessipe

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-7857

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 92-11-035, dated
November 23, 1992 of the Public Utilities Commission of the
State of California in Application 92-06-029.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.

Henry Dessipe, 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, door-to-door basis, between points in San Diego County, described in Section 2, and San Diego International Airport (SAN), over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) 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 the airport authority involved.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) No passengers shall be transported except those having a point of origin or destination at SAN.
- (d) 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 provided, 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.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

San Diego County

All points within the geographical limits of the cities of San Diego County.

SECTION 3. ROUTE DESCRIPTIONS

On-call, door-to-door, service

Commencing at SAN, then via the most convenient streets and highways to any point within the service area described in Section 2.

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