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Decision 92-11-041 November 23, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Peter Stojka Co., Inc., dba Peter's  
 Airport Shuttle, for authority to  
 operate as a passenger stage  
 corporation between points in the  
 San Francisco, San Mateo, Santa  
 Clara, Alameda, and Contra Costa  
 Counties and the San Jose  
 International, Oakland International,  
 and San Francisco International  
 Airports.

ORIGINAL

Application 92-08-036  
(Filed August 28, 1992)

OPINION

Peter Stojka, Co., Inc., doing business as Peter's Airport Shuttle (applicant) seeks authority to operate between points in San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, on the one hand, and San Jose International, San Francisco International, and Oakland International Airports, on the other hand. Peter Stojka, an individual doing business as Peter's Airport Shuttle, joins in the application.

Applicant proposes to perform an on-call, door-to-door service on a twenty-four hours per day, seven days per week basis. Passengers will be picked up and delivered at points within the service area, and pickups will be made pursuant to telephone calls received from the public. To be assured of timely scheduled service, three hours' advance notice for a pick-up shall be required.

Applicant presently has available equipment that will be utilized in the service which is now being operated by the owner of all of the outstanding stock of applicant, Peter Stojka, as a charter party carrier under TCP 6438-P and a passenger stage corporation under PSC-6438. The authority sought by this

application will include but be more extensive than the PSC authority now held by Stojka, an individual doing business as Peter's Airport Shuttle. Upon receipt of the authority requested by this application, Stojka will immediately cause the PSC-6438 certificate to be revoked.

Applicant will employ the following vehicles in the operation: a 1986 10-passenger Dodge van, a 1989 8-passenger Ford van, and a 1986 Dodge 10-passenger van; applicant will acquire additional vehicles in the future, as its operating needs require. The financial statements attached to the application show that applicant is capable of performing the requested service. Applicant will have its vehicles covered by liability insurance in amounts of not less than those specified and required by the Commission's General Order No. 101-C.

Applicant alleges that granting the authority to perform the requested service will have no significant adverse effect upon the environment of the areas to be served. Applicant believes that the availability of its service will benefit the environment and the public by a reduction in the number of private vehicles at the San Jose International, San Francisco International, and Oakland International Airports.

Applicant asserts that public convenience and necessity require the grant of the authority requested by the application for the following reasons. The passenger traffic between points in the San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa Counties and the three Bay Area Airports is increasing and this growth is expected to continue in the foreseeable future. The growth has resulted in traffic problems. These conditions, together with the increased parking fees and shortages of parking areas during peak travel periods have caused large numbers of the public to desire and seek alternative for-hire van-type door-to-door services.

Applicant contends that its proposed service will meet the public's needs and convenience. Applicant will meet the need for a service that employs drivers that speak foreign languages. Applicant's owner speaks four foreign languages and other drivers to be employed will be similarly fluent in multiple languages. The San Francisco Bay Area has a large number of speakers of Slavic and Romance languages, many of whom experience difficulties conversing in English and prefer or must speak in their native languages.

Applicant's owner has been operating within California, as a sole proprietor, as a charter party carrier, and between San Francisco and the Oakland International Airport and San Francisco International Airport as a passenger stage corporation. These operations have grown because of the requirements of the public for added service and for a broader territorial coverage than Stojka's existing authorities permit. As a consequence, he has incorporated his business and desires to conduct all of his future service as Peter Stojka Co., Inc. If the Commission favorably considers this application, Stojka will ask the Commission to revoke his existing PSC certificate to operate to and from the Oakland and San Francisco Airports. The grant of this application will enable Peter's Airport Shuttle to continue the service which has been provided to the public by Stojka, as a sole proprietor, will consolidate and expand the service required to meet the increasing public need, and will permit the growth of the operation and business in the future as it has experienced in the past.

The application was noticed on the Daily Calendar on September 1, 1992. There are no protests. The application should be granted.

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. 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. The passenger stage corporation authority PSC-6438 issued to Peter Stojka should be revoked upon the operational date of the certificate granted by this decision.

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Peter Stojka, Co. Inc., a corporation (applicant), 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-8146, 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 its 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 79, 98, 101, and 104, 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. Applicant shall comply with PU Code §§ 460.7 and 1043 relating to the Workers' Compensation laws of this state.

4. 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.

5. 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.

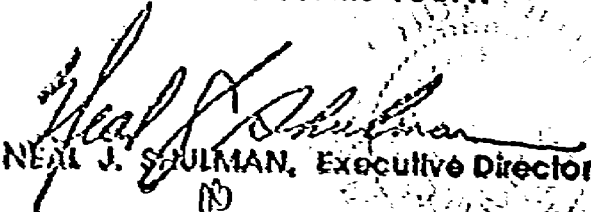
6. The certificate of public convenience and necessity granted by Decisions 91-09-010 and 92-03-012 on PSC-6438 is revoked on the effective date of the tariff filed by applicant.

This order is effective 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. SHULMAN, Executive Director

T/MH

Appendix PSC-8146

Peter Stojka Co., Inc.

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-8146

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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Issued under authority of Decision 92-11-041,  
dated November 23, 1992, of the Public Utilities Commission of  
the State of California in Application 92-08-036.

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

Peter Stojka Co., Inc., a corporation, 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 San Francisco (SFO), San Jose (SJC) and Oakland (OAK) International Airports, over and along the routes described in Section III, 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 a point of origin or destination at either SFO, SJC or OAK.
- 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.

Issued by California Public Utilities Commission.

Decision 92-11-041, Application 92-08-036.

SECTION II. SERVICE AREA.

Counties of San Francisco, San Mateo, Santa Clara,  
Alameda and Contra Costa.

SECTION III. ROUTE DESCRIPTION.

Commencing at SJC, SFO, and OAK, then over the most  
convenient streets and highways to any point within the service  
area described in Section II.

Issued by California Public Utilities Commission.

Decision 92-11-041, Application 92-08-036.