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Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of Ron Ratti, dba Airport)
Transfer, for permanent authority)
to operate as a passenger stage)
corporation between the financial)
district of San Francisco and)
San Francisco International)
Airport.)

Application 60388

ORDER GRANTING A STAY OF
DECISION 82-05-035

An Amendment to an Application for Rehearing filed June 2, 1982 of Decision (D.) 82-05-035 was filed by Ron Ratti on June 11, 1982 seeking a stay of D.82-05-035. The Commission has considered each and every allegation of said Amendment and is of the opinion that good cause for granting the stay has been shown. Therefore,

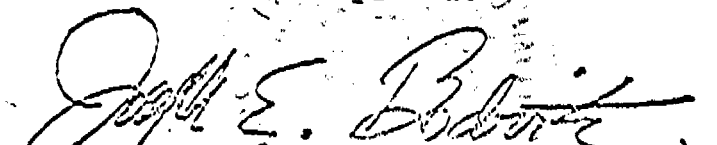
IT IS ORDERED:

Decision 82-05-035 is hereby stayed until further order of the Commission.

This order is effective today.

Dated Jul 7 1982, in San Francisco, California.

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


Joseph E. Bodovitz, Executive Director

RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Ron Ratti, dba Airport Transfer,)
for permanent authority to operate)
as a passenger stage corporation)
between the financial district of)
San Francisco and San Francisco)
International Airport.)

Application 60388
(Filed March 24, 1981)

Investigation on the Commission's)
Own Motion into the Operations of)
Ron Ratti, TCP 601.P.)

OII 82-05-02

STIPULATION OF FACTS, ISSUES
AND RECOMMENDED ACTIONS

Respondent Ron Ratti (Ratti) and the Staff of the California Public Utilities Commission (Staff) hereby stipulate as follows:

1. That by virtue of D.90797 (A.57047) dated September 12, 1979, Ratti possessed a temporary certificate of public convenience and necessity as a passenger stage corporation (PSC-1064), to operate between downtown San Francisco and San Francisco International Airport (SFO); this authority expired on March 12, 1981. Subsequent to March 12, 1981, the only operating authority Ratti possessed from the Commission was a charter party carrier of passengers permit, TCP 601.P.

2. That on March 24, 1981, Ratti filed A.60388 seeking permanent authority to operate the same passenger stage service temporarily authorized by D.90797.

3. That on January 19, 1982 after extensive public hearings, the Commission issued D.82-01-102 (A.60388), effective immediately, denying Ratti's application for permanent passenger stage authority, finding that Ratti had operated without authority since March 12, 1981 (Finding of Fact No. 6) in violation of P.U. Code §1031, and concluding "Ratti has failed to show that he is willing to abide by the laws, rules, and regulations governing the provision of passenger stage service and is, accordingly, not a fit person to receive permanent operating authority." (Conclusion of Law No. 9).

The Commission further found that public convenience and necessity do not require Ratti's service irrespective of his fitness. Finally, the Commission ordered Ratti to cease and desist from providing passenger stage service between downtown San Francisco and SFO. On January 26, 1982, a copy of D.82-01-102 was personally served on Ratti.

4. Subsequently, the Staff conducted an investigation, with the assistance of SFO authorities, including the Airport Police, which, on February 3, 1982, culminated in the issuance by the Commission of an Order to Show Cause re Contempt (D.82-02-055 in A.60388), directing Ratti to appear before the Commission to explain why he should not be found in contempt pursuant to P.U. Code §2113 for the following matters:

- (a) continuing to operate pursuant to PSC-1084 in violation of the D.82-02-102 cease and desist order and P.U. Code §1031; and
- (b) allowing his public liability and property damage insurance to lapse in violation of General Order 101-C (PSC-1084) and General Order 115-B (TCP 601.P), and thereafter continuing to operate without insurance despite suspension for violation of these General Orders.

5. That Ratti appeared and participated in the hearing in the Order to Show Cause proceeding on March 2, 1982, maintaining that all operations conducted by him subsequent to the cease and desist order were pursuant to his charter party authority (TCP 601.P).

6. That on May 4, 1982, the Commission issued D.82-05-035, finding Ratti in contempt of the Commission for violating the cease and desist order in D.82-01-102 on eight occasions and General Order 101-C on two occasions. The Commission ordered Ratti imprisoned for thirty days and imposed a \$5,000.00 fine. The Commission suspended the imprisonment portion of the penalty pending payment of the

\$5,000.00 fine by June 4, 1982, and directed Ratti to bring evidence of such payment to the Commission whereupon the imprisonment portion of the penalty would be revoked. The Commission indicated that the evidence did not establish any charter party carrier operations during the period Ratti's insurance had lapsed (January 5, 1982 to February 16, 1982) and therefore the Commission did not consider questions dealing with contempt under the Passenger Charter-party Carriers' Act (P.U. Code §5331, et seq.).

7. That on May 17, 1982, the Commission issued an Order to Show Cause, OII 82-05-02 incorporating the record from the D.82-05-035 proceeding and directing Ratti to show cause why his charter party carrier of passengers authority (TCP 601.P) should not be revoked forthwith, for lack of fitness, pursuant to Section 5378 of the Public Utilities Code.

8. That on June 2, 1982, Ratti filed an Application for Rehearing of D.82-05-035 alleging the following three grounds:

- (a) that the Commission's imposition of a \$5,000.00 fine and 30 days' imprisonment was excessive; and
- (b) that the Commission did not consider Ratti's efforts to comply with the Commission's order in D.82-01-102 and to operate within the law; and
- (c) that the Commission did not find that Ratti had the intent requisite for guilt for contempt.

The Application for Rehearing did not stay D.82-05-035 and Ratti failed to pay the \$5,000.00 fine provided by that decision by the June 4, 1982 due date. Thereafter, on June 11, 1982, Ratti filed an Amendment to the Application for Rehearing, requesting a stay of the D.82-05-035 provisions relative to payment of this fine. This matter is still pending.

9. At present, Ratti has discontinued all operations under TCP 601.P and Ratti hereby agrees to cease and desist from any future operations under TCP 601.P. Ratti hereby relinquishes Permit No. TCP 601.P to the Commission. Absent this relinquishment

TCP 601.P would have expired on November 5, 1982. The Commission may wish to take official notice of File TCP 601.P wherein this Permit is located.

10. Ratti also agrees that, should he decide to seek future authority from this Commission to operate as a charter party carrier of passengers, whether individually, or as a member of a group, and/or directly or indirectly, he will make formal application for said authority pursuant to Rules 2-8, 15-17, etc. of the Rules of Practice and Procedure. In such event, the Staff recommends that the application be handled formally, rather than in the informal method provided for in blanket Commission Resolution FE-303.

11. In view of Ratti's relinquishment of his remaining operating authority, Staff recommends that the hearing in the Order to Show Cause, OII 82-05-02, relative to TCP 601.P be taken off calendar, and that OII 82-05-02 be concluded with a Commission order incorporating the terms of this stipulation. Ratti agrees with these recommendations.

12. Upon acceptance of this Stipulation by the Commission, Ratti acknowledges he holds no authority of any kind from this Commission.

13. The Staff further recommends that the Commission revoke the fine and imprisonment penalties imposed on Ratti in D.82-03-035, and if the Commission accepts the recommendation of the Staff and revokes all fines and imprisonment penalties then Ratti requests and Staff agrees that the Application for Rehearing and the Amendment thereto be dismissed; for these purposes, this Stipulation should be made part of a consolidated record in A.60388 and OII 82-05-02.

Dated: _____

Ron Ratti

Dated: _____

Howard R. Weber
Attorney for Ron Ratti

Dated: _____

Lynn Theilacker Carew
Attorney for the Staff
Calif. Public Utilities Comm.

Dated: _____

Paul Trahan, Asst. Director
Transportation Division
Calif. Public Utilities Comm.