

Decision 82 12 018 DEC 1 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
E. ALLEN ROSS for a certificate of )  
public convenience and necessity to )  
operate a passenger stage service )  
between Ukiah, California, and the )  
San Francisco, Oakland, and San )  
Jose Airports. )

Application 82-04-71  
(Filed April 29, 1982)

E. Allen Ross III, for himself, applicant.  
Ed Karsh and Jack McIvor, for Ukiah Airporter,  
Inc., protestant.

O P I N I O N

The application requests authority to provide six daily schedules between Ukiah and the San Francisco International Airport, with two daily schedules from Ukiah to both Oakland and San Jose International Airports. This application was consolidated with Application (A.) 82-03-111 (Decision (D.) 82-09-031 dated September 8, 1982), which concerns the same type of service to be provided between the same points. A hearing was held on both applications on July 12, 1982 but Ross did not appear because he thought the hearing was scheduled at a later date. The Ross application was separated from A.82-03-111 and heard on August 27, 1982, in San Francisco, before Administrative Law Judge Edward G. Fraser, since a protest and request for hearing was filed by Santa Rosa Airporter, Inc. (dba Ukiah Airport Connection), the petitioner in A.82-03-111.

Ross was the only witness and had no exhibits. He testified that he has been providing service from Willits, Ukiah, Hopland, Cloverdale, and Healdsburg to the San Francisco International Airport on a daily basis since the latter part of June 1982, when he received a charter-party permit. He has no employees and drives a 1982 11-passenger Ford van.

Ross testified that he leaves Willits at 4:00 a.m., Ukiah at 5:00, Hopland at 5:15, and Cloverdale at 6:00, arriving at San Francisco International Airport about 8:00 a.m. He parks in the unloading zone set aside for public use and leaves after his passengers are unloaded, at about 8:15 a.m. He returns to Ukiah and calls his telephone answering service to ask if anyone has requested transportation to the airport. If he has passengers he will leave Ukiah (or Willits) about 1:00 p.m. and arrive at the airport between 4:00 and 4:30 p.m. Leaving the airport at 4:30 p.m. he is back in Ukiah at 7:30 or 8:00 p.m. Applicant does not drive over the route unless he has passengers who have called to reserve seats. No service is provided to the Oakland or San Jose Airports.

Ross testified that he charges \$25 for one and \$45 for two passengers from Ukiah (or Willits) to the San Francisco International Airport. Proposed fares to Oakland would be the same, with \$50 and \$95 fares to the San Jose International Airport. Ross did not know his per-mile operating cost; but fuel costs alone total \$40 per day. He stated that he is not yet concerned with maintenance expense because he is operating a new (1982) van under a lease purchase agreement. He estimated that he must have four or more passengers every day to break even. Ross does all the driving in one vehicle. He stated that he will have other drivers and lease or purchase other vehicles if his business develops as expected.

Ross favored an on-call authority to provide two round-trip schedules a day, five days of the week, after it was explained that he did not have the equipment or employees to provide the service described in his application. The on-call restriction will permit the cancellation of any schedule with less than two confirmed reservations.

Applicant alleges that he is the owner of two rental units in Oakland and a nine-room house in Palo Alto. This property is appraised at more than \$300,000. Applicant testified that he is solvent and has had a good credit rating for the last 15 years.

Protestant was authorized to provide service over the same route on September 8, 1982. Five round-trip schedules, serving intermediate points, are provided between Ukiah and Santa Rosa, with connecting service out of Santa Rosa to the airport.

Protestant's representative argued that applicant cannot provide adequate service with a single van and driver. Motor trouble or illness will put applicant out of business and he does not have the financial ability to hire other drivers or rent additional vans. He further argued that a bus operator must have an office and an employee with a telephone and where everything is being done by one man it is a taxi service, not a passenger corporation.

Applicant testified that he has an answering service in Ukiah. Local newspapers have published articles on his service and he advertises in local publications. He may hire some radio time in the future. All advertisements advise the public to call his service and make a reservation if they want transportation directly to San Francisco International Airport.

A card is filled out during the call. It lists the caller's name, address, telephone number, airline flight, where he is to be picked up, when he will return, and other information. A duplicate of this card is handed to the driver, who keeps it with his records.

Applicant stated that several persons have promised to replace him if he is ill and will drive a second vehicle if he has too many passengers for one van. He has also been advised that he can lease or rent another van from where his present vehicle was purchased, but he does not know the cost of a rental or lease agreement.

#### Discussion

Applicant is an ex-taxi driver who has been operating without proper authority from this Commission. He obtained a charter-party permit and thought he was qualified to start the proposed service. He finally realized his error and requested a passenger stage certificate about the same time as protestant.

The application should be granted. Applicant's proposed service differs from protestant's and each will supplement the other's operation. Applicant's unauthorized operation was through inadvertence and will be disregarded in this proceeding.

Findings of Fact

1. Applicant seeks authority to provide an on-call service twice a day, five days a week, between Willits, Ukiah, Hopland, Cloverdale, and Healdsburg, on the one hand, and the San Francisco International Airport on the other hand.

2. Applicant may cancel any schedule when less than two passengers have called to reserve a seat.

3. Passengers waiting at pickup points without a reservation will be accommodated if unreserved seats are available.

4. Applicant's on-call service should not interfere with protestant's scheduled service.

5. Applicant has the ability, experience, and financial resources to perform the proposed service, except for service proposed to Oakland and San Jose Airports.

6. There is a public need for the proposed service.

7. Applicant's proposal will supplement the service provided by protestant.

8. 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. The application should be granted to the extent provided in the order.

2. This order should be effective on the date it is signed since there is a demonstrated public need for the 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 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 E. Allen Ross III, an individual, authorizing him 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-1258 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 79, 98, 101, and 104, and the California Highway Patrol (CHP) safety rules.
- e. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.

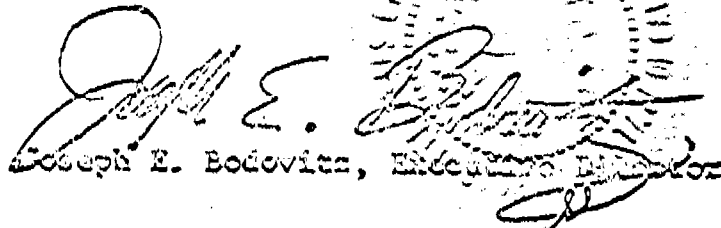
f. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated DEC 1 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

T/ctb

Appendix PSC-1258

E. Allen Ross

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC - 1258

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 82 12 018, dated DEC 1 1982,  
of the Public Utilities Commission of the State of California,  
in Application 82-04-71.

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

E. Allen Ross, by the certificate of public convenience and necessity granted by the decision noted in the margin, as a passenger stage corporation is authorized to transport passengers and their baggage between Willits, Ukiah, Hopland, Cloverdale, Healdsburg, on the one hand, and San Francisco International Airport, on the other hand, over and along the route described, subject, however, to the authority of this Commission to change or modify this 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. Service shall be limited to 2 "on-call" round trips a day, 5 days a week, between Willits/Ukiah and the San Francisco International Airport, serving Hopland, Cloverdale, and Healdsburg as intermediate points.
- c. Applicant shall have the right to file tariffs requiring a minimum of 2 paid fares for any schedule.
- d. Service shall be provided only at the designated service points listed in the route description of Appendix PSC-1258, Section 2.
- e. No passenger shall be carried who does not have as a point of origin or destination, the San Francisco International Airport.

Issued by California Public Utilities Commission.

Decision 82-12-018, Application 82-04-71.



T/ctb

Appendix PSC-1258

E. Allen Ross

Original Page 2

SECTION 2. ROUTE DESCRIPTION.

Via the most appropriate streets and highways from the following locations:

City of Willits;

City of Ukiah;

Community of Hopland, within a 3-mile radius from the intersection of Interstate Highway 101 and State Highway 175;

City of Cloverdale;

City of Healdsburg;

then via the most appropriate streets and highways to the San Francisco International Airport.

(End of Appendix)

Issued by California Public Utilities Commission.

Decision 82-12-018, Application 82-04-71.

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