

Decision 82 12 041

DEC 1 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ALBERTO RICO for a certificate)
to extend passenger bus service)
between Niland and Imperial Valley)
College.)

ORIGINAL
Application 82-08-01
(Filed August 2, 1982)

INTERIM OPINION

Background

Alberto Rico, doing business as Kennedy Transit, (applicant) filed this application requesting authority to provide passenger stage service between Imperial Valley College (IVC) and Niland, Calipatria, Westmoreland and Brawley(northern route). Applicant holds a passenger stage certificate (PSC-1107) authorizing him to provide passenger transportation between IVC and Calexico, Heber, Imperial and El Centro (southern route).

Campeños Unidos, Inc. (CUI) filed a timely protest to this application. CUI under its passenger stage certificate (PSC-1113) provides transportation on both the northern and southern routes stated above.

The Imperial Valley Association of Government (IVAG) filed a letter in support of this application. IVAG states that applicant is the successful bidder for proposals to provide student transportation to IVC. The funding for the transportation to IVC on the northern and southern routes is made available through State Transit Assistance (SB620) funds. The contract for the service to IVC requires applicant to obtain a certificate from this Commission.

On September 29, 1982, applicant filed a written request for dismissal of this application. Applicant based his request for dismissal on our Decision (D) 82-09-040, dated September 8, 1982. Applicant stated that he would start the proposed service in October, 1982. By D.82-09-040 we concluded that the Commission has no jurisdiction over public systems. An application for rehearing of D.82-09-040 has been filed, and our decision on the rehearing application is pending.

On October 27, 1982 CUI filed its objection to granting applicant's request for dismissal. CUI asserts that D. 82-09-040 does not apply to the facts in this application and that D.82-09-040 is on appeal.

Discussion

Applicant currently holds Commission authority to provide passenger stage service on the southern route to IVC. By this application, applicant seeks additional authority to serve IVC on the northern route. If we grant applicant's request for dismissal of this application we will have exercised jurisdiction over one portion of applicant's operation. Also, the basis for applicant's request for dismissal of this application is D.82-09-040, which is under review.

We believe this application should be set for public hearing. In the meantime we will grant applicant a temporary certificate of public convenience and necessity so that applicant may receive IVAG funding for the proposed transportation. Applicant's request for dismissal should be denied.

Findings of Fact

1. Applicant requests authority to extend its passenger stage service.
2. CUI has filed a protest to the application.
3. IVAG supports granting of this application.
4. IVAG, with SB620 funds, will subsidize the existing as well as the proposed service of applicant.
5. Applicant requests dismissal of his application based on D.82-09-040.
6. D.82-09-040 is subject to an application for rehearing; decision on the rehearing application is pending.
7. CUI objects to granting applicant's request for dismissal.

Conclusion of Law

1. A temporary certificate of public convenience and necessity should be granted pending further order on this matter.
2. Applicant's request for dismissal of this application should be denied.
3. This application should be set for public hearing.
4. This order should be effective today because of the immediate need for 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.

INTERIM ORDER

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to Alberto Rico authorizing him to operate as a passenger stage corporation, as defined in PU Code Section 226, between the

points and over the routes set forth in the attached revised pages to Appendix A of D.91755, to transport persons and baggage.

2. Application 82-08-01 shall be set for public hearing.

3. Motion to dismiss is denied.

4. 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 safety rules.

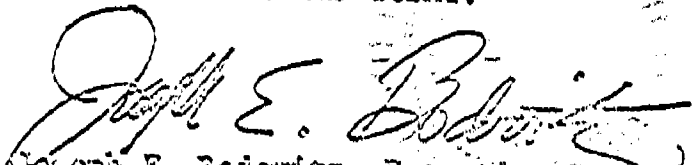
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

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 THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

Appendix A
(D.91755)

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC-1107)

First Revised Page 5
Cancels
Original Page 5

SECTION 3. ROUTE DESCRIPTIONS. (Continued)

Route 2 IVC, Imperial, El Centro, Heber and Calexico

Beginning at the northwest corner of the intersection of First Street and Heffernan Avenue (State Highway 111) in the city of Calexico, then, north on State Highway 111 to the Imperial Valley College (IVC) located at Aten Road and State Highway 111 in Imperial County, then west on Aten Road to State Highway 86, north on State Highway 86 to the southeast corner of the intersection of Main Street (State Highway 86) and "J" Street. Return south on State Highway 86 to the southwest corner of the intersection of Fourth Street (State Highway 86) and Brighton Avenue in the city of El Centro, continue south on State Highway 86 to 76 east Main Street (State Highway 86) in the city of Heber, then southeasterly on State Highway 86, to State Highway 111, continue due south on State Highway 111 and return to point of origin.

*Route 3 IVC, Imperial, Brawley, Westmoreland, Calipatria, Niland

Beginning at IVC then via the most convenient and appropriate streets and highways to Imperial, Brawley, Westmoreland, Calipatria and Niland.

NOTE: Authority to serve this route is temporary, pending final order in Application 82-08-01.

Issued by California Public Utilities Commission.

*Added by Decision 82-12-041, Application 82-08-01.

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Appendix A
(D.91755)

ALBERTO RICO
doing business as
KENNEDY TRANSIT SERVICE
(PSC-1107)

First Revised Page 2
Cancels
Original Page 2

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

ALBERTO RICO, an individual, doing business as KENNEDY TRANSIT SERVICE, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage between certain communities in Imperial County, on the one hand, and the Imperial Valley College (IVC)* on the other hand, over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.

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* Revised by Decision 82-12-041, Application 82-08-01.

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