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Decision 83 01 030 JAN 12 1983

U.S. DEPARTMENT OF TRANSPORTATION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of WESTWIND LIMOUSINE SERVICE, INC., for a certificate of public convenience and necessity to institute operations as a passenger-stage corporation.

Application 82-09-01
(Filed September 2, 1982;
amended November 8, 1982)

O P I N I O N

Applicant is a California corporation with its principal place of business in Los Angeles. It has applied for authority to provide a premium passenger service, transporting persons, baggage, and express on a one-way basis, in specially designed and modified stretch-out suburban limousines of 13-passenger capacity. Applicant will transport passengers between the Greater Los Angeles Area, on the one hand, and, on the other hand, areas in and around the Cities of San Diego, Palm Springs, and Santa Barbara. Applicant will initially operate 10 limousines for line service, 6 on the Los Angeles-San Diego run and 2 each for the Los Angeles-Santa Barbara and Los Angeles-Palm Springs runs.

Applicant will also operate up to 20 station wagons to provide pickup and take-home service within the several territories, 10 being assigned to Los Angeles, 6 to San Diego, 2 to Santa Barbara, and 2 to Palm Springs.

Applicant will use the station wagons to transport passengers from a local residence, hotel, or any other point within its territory to its main terminal where the passengers will board a limousine for transportation to the city of destination. Upon arrival at applicant's destination terminal, the passengers will be transferred to station wagons and dropped off at any requested point within such destination territory.

The limousines will be custom Chevrolet Suburbans, costing approximately \$32,000 per unit. Each will have four 3-seat rows, with one passenger seated next to the driver. Luggage is carried in the rear and on top of the vehicle. Each unit will have 10 doors for access, air-conditioning, reclining seats, tinted windows, carpets, individual reading lights, reading materials, a refrigerator with soft drinks, and a uniformed driver. There will be two television sets, video tape players, and a telephone in each limousine. The total transportation charge to or from the Los Angeles territory will be \$35. Each passenger will be allowed to bring two pieces of luggage which will be handled at no additional cost. The proposed pickup and delivery service will be provided on 24-hour advance reservations. Passengers giving less notice will be accommodated if equipment is available. Terminals will be leased or purchased in each of the four service areas.

It is alleged that applicant is newly incorporated and is not in a position to furnish either a balance sheet or a profit and loss statement. It is further alleged that upon receipt of the requested authority, applicant's principals will initially provide \$200,000 in operating capital and whatever additional sums are required to ensure the success of the operation. Applicant has provided a pro forma statement projecting estimated income and expense for a period of one month, predicated upon a fare of \$35 and an average passenger load of eight people per schedule. This statement is included to show that the operation will be profitable if properly managed.

A protest was filed on September 30, 1982, by Skyview Limousine Service (Skyview), which provides passenger service between Los Angeles and Palm Springs. Applicant filed a First Amendment to application on November 8, 1982, which removed and deleted all reference to Palm Springs in the original application. The protest was then withdrawn by a letter dated November 9, 1982.

Applicant will initiate service with vehicles leaving Los Angeles and San Diego on a daily basis, every hour on the hour, between 7 a.m. and 8 p.m. Passengers will be in transit an estimated

two hours and 20 minutes following departure. The Los Angeles-Santa Barbara Route will provide 6 daily schedules in each direction with a transit time of 2 hours and 30 minutes. The first cars will leave at 7:30 a.m. and the last at 7:30 p.m.

Applicant alleges that this will be a luxury option and will not be competitive with any other service. The other carriers do not provide home pickup or nonstop transportation between origin and destination. Other carriers also charge less than half the rates proposed by applicant. Air Transportation may be considered competitive, but applicant has eliminated the need for prolonged parking at airports, transportation from the airport to destination, and baggage and ticket-counter delays.

Copies of the application were mailed to most cities in the area to be served. No copies were mailed to existing carriers because none will be competitive with the proposed luxury service.

The application was amended on January 6, 1983 to advise that on December 17, 1982 applicant's name was changed to "Emerald Empire Transportation System, Inc." A certified copy of the amendment to the articles of incorporation has been filed. Applicant has requested that any certificate granted be issued in its new name.

Findings of Fact

1. Applicant possesses the ability, experience, and financial resources to perform the proposed service.
2. There is a public demand for the proposed service.
3. Existing carriers will not be competitive with the luxury service proposed by applicant.
4. Public convenience and necessity require that the service proposed by applicant be certificated.
5. In view of applicant's recent change of name, the certificate will be granted to Emerald Empire Transportation System, Inc.
6. 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 Commission concludes that the application should be granted as set forth in the ensuing order.

2. The following order should be effective on the date of signature and tariff filings should be authorized on less than statutory notice since there is a demonstrated need for applicant's service.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Emerald Empire Transportation System, Inc., a corporation, 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-1282 to transport persons, baggage, and express.

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 3 days' notice to the Commission; and make timetables and tariffs effective 3 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.

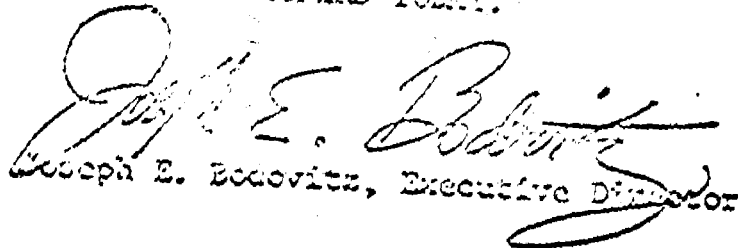
3. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

This order is effective today.

Dated JAN 12 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director

T/alm/bw *

Appendix PSC-1282 Emerald Empire
Transportation System, Inc.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC - 1282

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 83 01 030, dated JAN 12 1985,
of the Public Utilities Commission of the State of California in
Application 82-09-01.

I N D E X

	<u>Page</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION 2. DESCRIPTION OF SERVICE AREAS.....	3
SECTION 3. ROUTE DESCRIPTIONS	
1 - Los Angeles-Santa Barbara.....	4
2 - Los Angeles-San Diego.....	4

Issued by California Public Utilities Commission.

Decision 83 01 030, Application 82-09-01.

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

Emerald Empire Transportation System, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, baggage, and express between named cities and communities in Los Angeles County, on the one hand, and Santa Barbara and San Diego Counties, on the other hand, over and along the most direct and convenient route or routes 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 operation in either direction unless otherwise indicated.
- c. The transportation of baggage or express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 50 pounds per shipment.

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SECTION 2. DESCRIPTION OF SERVICE AREAS

The cities and communities within which Emerald Empire Transportation System, Inc. is authorized to name passenger pickup and discharge points are described as follows:

LOS ANGELES

Includes the Cities of Los Angeles, Santa Monica, Malibu, Beverly Hills, Culver City, Inglewood, Burbank, Glendale, Pasadena, and San Marino.

SANTA BARBARA

Includes those points located within Santa Barbara County extending from Montecito on the south and northerly along U.S. Highway 101 to El Encanto Heights, including points within 10 miles parallel to that Highway.

SAN DIEGO

Includes the Cities of La Jolla, San Diego, La Mesa, El Cajon, Coronado, National City, Chula Vista, Miramar, and intermediate points.

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SECTION 3. ROUTE DESCRIPTIONS.

Route No. 1 Los Angeles-Santa Barbara

Beginning at any point within the Los Angeles Service Area then via the most direct and appropriate route to any point within the Santa Barbara Service Area.

Route No. 2 Los Angeles-San Diego

Beginning at any point within the Los Angeles Service Area then via the most direct and appropriate route to any point within the San Diego Service Area.

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