

Decision 83 02 021 FEB 2- 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JORGE FIERRO and dba TIJUANA)
EXPRESS for authority to operate)
a passenger service between)
points in Santa Ana and San)
Ysidro.)
_____)

Application 82-03-53
(Filed August 26, 1982;
amended November 2, 1982)

Jorge Fierro, for himself, applicant.
R. D. Rierson, Attorney at Law, for
Greyhound Lines, Inc., protestant.

O P I N I O N

Applicant Jorge Fierro, dba Tijuana Express, seeks authority to operate a passenger stage service between points in Santa Ana, California, and San Ysidro, California. Applicant proposes to transport persons and their baggage on an on-call basis using one nine-passenger 1982 Ford van and one 1979 five-passenger Ford station wagon. A protest to the application was filed by Greyhound Lines, Inc. (Greyhound) which is authorized to perform regular route operations as a passenger stage corporation over a network of regular routes throughout the State of California, including the areas applicant proposes to serve.

Following notice, a public hearing was held in Los Angeles on November 22, 1982 before Administrative Law Judge (ALJ) William A. Turkish under Public Utilities (PU) Code Section 1031.

Testimonial evidence was presented at the hearing that the intent of applicant is to primarily serve the Spanish-speaking community of Santa Ana traveling between San Ysidro (Mexican border) and Santa Ana. Applicant testified that

there is a current need for such service and will provide bilingual drivers to serve the needs of the Spanish-speaking community.

During the hearing, the parties entered into a stipulation under which Greyhound would withdraw its protest to the application if applicant would limit his service to an on-call service only, with a minimum one-hour advance reservation, and further restricted to two vehicles as follows: one nine-passenger Ford van and one five-passenger station wagon. This stipulation was entered by both parties and was accepted by the ALJ. Following the stipulation, Greyhound withdrew its protest and the matter was deemed submitted.

Financial statement of applicant as of October 30, 1982 shows total assets of \$45,500 with no liabilities. Applicant and his wife intend to perform services as drivers of the two vehicles in this service.

We will grant the applicant's request with the stipulated restriction but if applicant ever desires to have it removed, he may file an application for its removal.

Findings of Fact

1. Applicant has the ability, experience, and equipment to perform the proposed on-call service.

2. Public convenience and necessity require the service proposed by applicant.

3. Applicant and protestant have entered into a stipulation under which applicant agrees to accept a restriction in his certificate limiting him to an on-call service only, with a minimum one-hour advance reservation required and restricted to the use of two vehicles in the performance of his proposed service as follows: one nine-passenger Ford van and one five-passenger station wagon.

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 of public convenience and necessity should be granted to applicant permitting him to operate an on-call passenger stage service between Santa Ana, California, and San Ysidro, California, with a one-hour advance reservation required and restricted to the use of one nine-passenger van and one five-passenger station wagon.

2. If applicant desires to have the restrictions removed at some later date, he may file an application with the Commission.

3. Since there is an immediate public need for the service, the order should be effective today.

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 Jorge Pierro 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 Appendix PSC 1283, to transport persons and their baggage.

2. Applicant is restricted to the use of one nine-passenger Ford van and one five-passenger station wagon in the proposed service and is further restricted to conducting an on-call service only, with a minimum of one-hour advance reservation required.

3. 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, 93, 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.

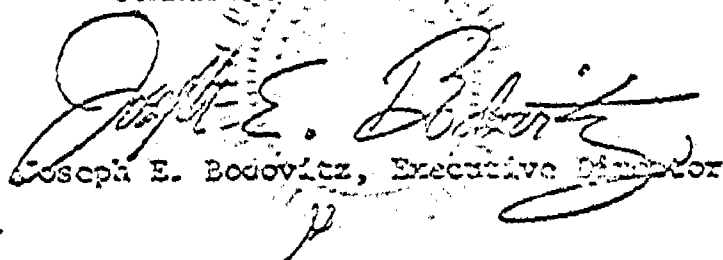
Dated FEB 2 1983, at San Francisco, California.

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC - 1283

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 02 021, dated
FEB 2 - 1983, of the Public Utilities Commission of
the State of California in Application 82-08-53.

T/alm

Appendix PSC-1283

JORGE FIERRO

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Issued by California Public Utilities Commission.

Decision 83 02 021, Application 82-08-53.

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

Jorge Fierro, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between Santa Ana, on the one hand, and San Ysidro, 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 operation in either direction unless otherwise indicated.
- c. All service performed shall be on an on-call basis, with a minimum of one hour advance reservation. 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.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Continued)

- d. Service shall be rendered via a direct route from the point of origin to the point of destination, except that when more than one passenger is to be transported in a single vehicle, service shall be rendered by the most direct routings possible, taking into consideration the various points of origin or destination of the several passengers.
- e. Service shall be provided with one nine-passenger van and one five-passenger station wagon.

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SECTION. ROUTE DESCRIPTIONS.

Commencing at any point within the city limits of Santa Ana then over and along the most convenient route or routes to the International Border at San Ysidro and return.

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