

ORIGINAL

Decision 83 04 030 APR 6 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GORDON OARD and)
CHARLES MORALES, a partnership,)
dba ANGELUS LIMOUSINE SERVICE)
for certificate of public con-)
venience and necessity to)
operate as a passenger stage)
corporation between Los Angeles)
and Orange Counties and Los)
Angeles International Airport,)
Burbank, Long Beach, Ontario,)
Orange County Airports, Los)
Angeles Harbor, Los Angeles)
Amtrack [sic] Station.)

Application 82-10-46
(Filed October 19, 1982;
amended January 10, 1983)

Gordon Oard and Charles Morales, for
themselves, applicants.
James H. Lyons, Attorney at Law, for
Airport Service, Incorporated,
protestant.

O P I N I O N

Applicants Gordon Oard and Charles Morales, a partnership, dba Angelus Limousine Service, seek a certificate of public convenience and necessity to operate as a passenger stage corporation to transport passengers on an on-call basis between 117 communities in Los Angeles and Orange Counties, on the one hand, and the following airports: Los Angeles International, Burbank, Long Beach, Orange County/John Wayne, and Ontario in San Bernardino County, and also Los Angeles Harbor and the Los Angeles Amtrak Station, on the other hand. Applicants propose to perform this on-call service on a seven-day per week basis using five 15-passenger luxury late model Ford vans.

Applicants currently operate a limousine and van charter service in the same general service area under authority granted by this Commission (see TCP-1643-P).

Notice of filing of the application appeared on the Commission's Daily Transportation Calendar on October 22, 1982 making direct notification to potential competitors or protestants unnecessary (see Rule 15.1, Rules of Practice and Procedure, effective July 1, 1982).

Airport Service, Incorporated (Airport Service) filed a timely protest and request for hearing. A hearing was held in the Commission's Courtroom in Los Angeles before Administrative Law Judge (ALJ) Colgan on February 7, 1983.

At the hearing, applicants and protestant submitted a stipulation signed by each party placing certain restrictions upon the service proposed by applicants. Gordon Oard, a partner of applicant, stated that the stipulation would not alter the service as previously planned. The stipulation was received as Exhibit 1. Airport Service then withdrew its protest to the application as amended by Exhibit 1. The withdrawal was accepted and the matter was submitted with the understanding that the ALJ would recommend that the stipulated restrictions be incorporated into the order granting any certificate to these applicants.

Fares for the proposed service vary depending on which community is being served and whether the patron requests "standard" or "executive" service. The basic rate covers one to three passengers picked up at the same time and place and going to the same destination. The rate for each additional passenger is \$5. Other terms and conditions are set out in Exhibit C to the amended application.

While the application does not specifically say so, it appears from the balance sheet attached to it as Exhibit D that applicants currently own or have purchase contracts for the vans they plan to use.

Applicants allege that there is no comparable method of traveling between the areas listed at the proposed fares with the same convenience and that their service differs from other similar ones in that they will provide color television and/or video players to show movies, soft drinks, and escort service from the airport gate (though the airport authorities are apparently opposed to this). In addition, they state that the vehicles will save fuel and will benefit the environment and the public by reducing the number of private vehicles in and around the areas served.

Applicants further claim that they have sufficient financial resources to institute and operate the proposed service. The balance sheet attached to the application as Exhibit D shows total assets of \$146,712 and total liabilities of \$97,586, leaving net assets of \$49,126 as of July 31, 1982. The balance sheet tends to support applicant's allegation of financial fitness.

Findings of Fact

1. Applicants have the necessary equipment, ability, experience, and financial resources to perform the proposed service.

2. The proposed service contemplates the use of five luxury vans for transporting passengers between various airports, a railroad station, and the Los Angeles Harbor, on the one hand, and various communities in Los Angeles and Orange Counties, on the other hand.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. Applicants and protestant have stipulated to certain restrictions to the operating authority requested by the application. Such stipulation resolved differences between the parties and was the cause of protestant withdrawing its protest.

Conclusions of Law

1. Public convenience and necessity require that the authority requested should be granted.

2. The restrictions stipulated to by the parties by way of settling their differences should be adopted; however, if applicants ever wish to remove the restrictions, they may file an application to modify the certificate.

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 Gordon Oard and Charles Morales, a partnership, authorizing them 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-1291, to transport persons and baggage, except that applicants shall observe the following restrictions:

- "(a) No passenger shall be picked up at an airport or at an off-airport bus stop of Airport Service, Incorporated, unless a reservation has been made at least one-half hour in advance.

"EXCEPTION: Passengers at airports completing round trips with Gordon Oard and Charles Morales, a partnership, dba Angelus Limousine Service.

"(b) Gordon Oard and Charles Morales, a partnership, dba Angelus Limousine Service, shall not appear at any off-airport pickup/delivery point of Airport Service, Incorporated, within 10 minutes of any scheduled stop of Airport Service, Incorporated, or successor entities.

"(c) Gordon Oard and Charles Morales, a partnership, dba Angelus Limousine Service, shall not, for any reason, spot any vehicle at an airport or at an off-airport bus stop of Airport Service, Incorporated, for the purpose of waiting for radio calls to pick up passengers or for similar purposes."

2. Applicants 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 their 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.

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

This order becomes effective 30 days from today.

Dated APR 6 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

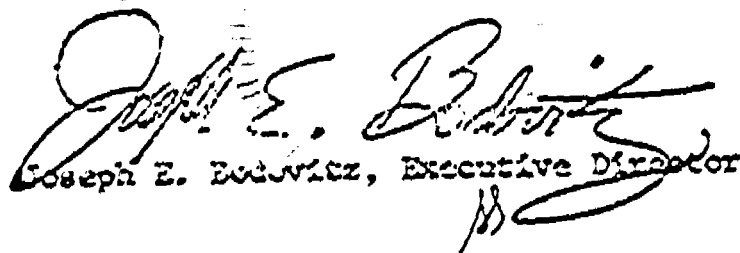
VICTOR CALVO

PRISCILLA C. CREW

DONALD VIAL

Commissioners

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


Joseph E. Bodovick, Executive Director

Appendix PSC-1291

GORDON OARD
and
CHARLES MORALES

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC - 1291

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 83-04-030, dated Apr 6 1983,
of the Public Utilities Commission of the
State of California in Application 82-10-46.

Appendix PSC-1291

GORDON OARD
and
CHARLES MORALES

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

Gordon Oard and Charles Morales, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers and their baggage on-call between designated cities and communities in Los Angeles and Orange Counties, on the one hand, and the Los Angeles International Airport (LAX), Burbank-Glendale-Pasadena (BUR), Long Beach (LGB), Ontario (ONT), John Wayne/Orange County (SNA) Airports, Los Angeles Harbor, and the Los Angeles AMTRAK Station, 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. 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. No passengers shall be transported except those having point of origin or destination at LAX, BUR, ONT, SNA, LGB, Los Angeles Harbor or the Los Angeles AMTRAK Station.
- e. No passenger shall be picked up at an airport or at an off-airport bus stop of Airport Service, Incorporated, unless a reservation has been made at least one-half hour in advance. EXCEPTION: Passengers at airports completing round trips with Gordon Oard and Charles Morales, a partnership, dba Angelus Limousine Service.
- f. The carrier shall not appear at any off-airport pickup/delivery point of Airport Service, Incorporated, within 10 minutes of any scheduled stop of Airport Service, Incorporated, or successor entities.
- g. The carrier shall not, for any reason, spot any vehicle at an airport or at an off-airport bus stop of Airport Service, Incorporated, for the purpose of waiting for radio calls to pick up passengers or for similar purposes.
- h. 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.
- i. The carrier's tariffs shall state the definition of "deluxe" service as set forth in the application and include the exact charges for such service.

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SECTION 2. ROUTE DESCRIPTIONS.

Commencing at any point within the following cities and communities then over and along the most convenient route or routes to LAX, BUR, ONT, SNA, LGB, Los Angeles Harbor, and the Los Angeles AMTRAK Station.

LOS ANGELES COUNTY

ALHAMBRA
ARCADIA
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELLFLOWER
BELL GARDENS
BEVERLY HILLS
BRADBURY
BURBANK
CARSON
CERRITOS
CLAREMONT
COMMERCE
COMPTON
COVINA
CUDAHY
CULVER CITY
DIAMOND BAR
DOWNEY
DUARTE
EL MONTE
EL SEGUNDO
GARDENA
GLENDALE
GRANADA HILLS
HACIENDA HEIGHTS

LONG BEACH
LYNWOOD
MANHATTAN BEACH
MAYWOOD
MISSION HILLS
MONROVIA
MONTEBELLO
MONTEREY PARK
NEWHALL
NORTH HOLLYWOOD
NORWALK
PACIFIC PALISADES
PALOS VERDES ESTATES
PANORAMA CITY
PARAMOUNT
PASADENA
PICO RIVERA
POMONA
RANCHO PALOS VERDES
REDONDO BEACH
RESEDA
ROLLING HILLS
ROSEMEAD
ROWLAND HEIGHTS
SAN DIMAS
SAN GABRIEL
SAN MARINO
SAN PEDRO

ORANGE COUNTY

ANAHEIM
ANAHEIM HILLS
BALBOA
BREA
BUENA PARK
CORONA DEL MAR
COSTA MESA
CYPRESS
DANA POINT
EL TORO
FOUNTAIN VALLEY
FULLERTON
GARDEN GROVE
HUNTINGTON BEACH
IRVINE
LAGUNA BEACH
LAGUNA HILLS
LAGUNA NIGUEL
LA HABRA
LA PALMA
LEISURE WORLD
LOS ALAMITOS
MISSION VIEJO
NEWPORT BEACH
ORANGE
PLACENTIA
SAN CLEMENTE

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

LOS ANGELES COUNTY

HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HOLLYWOOD
HUNTINGTON PARK
INDUSTRY
IRWINDALE
LAKEWOOD
LA HABRA
LA MIRADA
LA PUENTE
LA VERNE
LAWDALE
LOMITA

SANTA FE SPRINGS
SANTA MONICA
SAUGUS
SEPULVEDA
SHERMAN OAKS
SIERRA MADRE
SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
SOUTH PASADENA
TARZANA
TEMPLE CITY
TORRANCE
VALENCIA
VERNON
WEST COVINA
WHITTIER

ORANGE COUNTY

SAN JUAN CAPISTRANO
SANTA ANA
SEAL BEACH
SOUTH LAGUNA
STANTON
TUSTIN
VILLA PARK
WESTMINSTER
YORBA LINDA