

ORIGINAL

Decision 83 95 034 MAY 4 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Francisco J. Solorio)	
for authority to extend service from)	
San Francisco International Airport)	
to Mission District in San Francisco)	Application 82-07-14
and to offer service to the Spanish-)	(Filed July 7, 1982)
speaking public twenty-four hours)	
per day.)	
)	

Francisco J. Solorio, for himself,
 applicant.
 Handler, Baker, Greene and Taylor, by
Raymond A. Greene, Jr., Attorney at
 Law, for SFO Airporter, Inc., and
 Clapp & Custer, by James S. Clapp,
 Attorney at Law, for Lorrie's Travel
 & Tours, Inc., protestants.

O P I N I O N

Francisco J. Solorio (Solorio), an individual, alleges that he is presently authorized to transport Spanish-speaking passengers between San Francisco International Airport (SFIA) and the Cities of San Jose and Santa Clara (PSC-1186). By this application, Solorio seeks authority to transport passengers between SFIA and the Excelsior and Mission districts in San Francisco "on-call" 24 hours a day, 7 days a week.

Protest of the application was filed by SFO Airporter, Inc. (Airporter) and a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright on September 20, 1982 on a consolidated record with Applications 82-06-06 and 82-06-09, Yellow Cab Cooperative, Inc. and Luxor Cab Company, respectively. Lorrie's Travel & Tours, Inc. (Lorrie's) appeared at the hearing and added its protest to that of Airporter. Briefs were filed by Airporter and Lorrie's on January 21, 1983. Solorio filed no brief.

Applicant's witnesses at the hearing offered no testimony or evidence that supported Solorio's application.

Solorio testified that he holds charter-party authority and apparently believes that this entitles him to transport individuals between San Francisco and SFIA on an individual fare basis. He states that he advertises the service on a Spanish-only radio station, and he submitted advertising material of the passenger stage service which he claims to conduct. We can only conclude that Solorio is already engaged in the business for which he now seeks authority.

Solorio has had a charter-party permit for five or six months and has lost money "most of the time". He presented no projection of costs and revenues and ventured the opinion that he could probably make more money driving a cab. He could only guess at his current bank balance.

Solorio's application states that he knows of no other SFIA service from the Excelsior and Mission districts, but his testimony reveals knowledge of Lorrie's authority in these areas and at SFIA.

Applicant acknowledged that he did not hold a valid California driver's license to operate the size vehicle he is operating, claiming he works all the time and did not feel a valid California driver's license was necessary. He was, however, aware of the requirement.

We concur with Lorrie's comments in its brief that the most serious deficiency in Solorio's presentation is his unwillingness to operate within the rules and regulations of the Commission and other regulating agencies. We will deny the application without prejudice to its being refiled when Solorio is ready to comply with the laws and rules established for the guidance of all.

Solorio will be ordered to cease and desist from offering the passenger stage service at issue until such time as he secures a certificate of public convenience and necessity to conduct it.

Solorio is placed on notice that his existing operating authorities will be revoked unless he conforms to all appropriate laws and regulations including obtaining a valid California driver's license.

No other issues require discussion.

Findings of Fact

1. Solorio is conducting passenger stage service which has not been previously authorized by this Commission, and he does not have a proper California driver's license to drive the size of vehicle he is operating in his existing authority.

2. Solorio should be ordered to cease and desist from providing such service and to obtain a proper California driver's license. Because of the necessity to enjoin these violations, the effective date of this decision should be the date it is signed.

3. There is insufficient evidence upon which to find that Solorio has the financial ability or general fitness to perform the proposed passenger stage service or that the service itself will be viable.

Conclusion of Law

The application should be denied without prejudice, and applicant should be placed on notice that if he fails to comply with all appropriate regulations, including obtaining a proper California driver's license within 30 days, all his existing authorities will be revoked.

O R D E R

IT IS ORDERED that:

1. The application of Francisco J. Solorio (Solorio) for a passenger stage certificate is denied without prejudice.

2. Solorio shall cease and desist from furnishing passenger stage transportation except as authorized by PSC-1186.

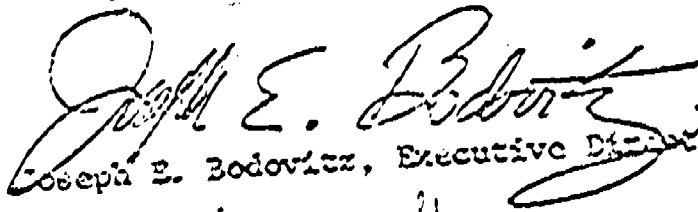
3. Solorio shall obtain a proper California driver's license within 30 days from the effective date of this order and comply with all appropriate regulations. Upon failure to do so all his existing authorities will be revoked.

This order is effective today.

Dated MAY 4 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. Bodovitz, Executive Director