

Decision 84 01 025

JAN 5 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RONALD L. MILLER, an individual)
doing business as COUNTRY CLUB)
LIMOUSINES, for a certificate of)
public convenience and necessity)
to operate between the cities of)
La Quinta, Indian Wells, Palm)
Desert, Rancho Mirage, Cathedral)
City, Palm Springs and specific)
locations named in this applica-)
tion in the cities of Ontario,)
Anaheim, Newport Beach, Irvine,)
Long Beach and Los Angeles as a)
common carrier of passengers,)
baggage, and small packages.)

Application 83-09-15
(Filed September 6, 1983)

INTERIM OPINION

Ronald L. Miller requests authority under Public Utilities (PU) Code Section 1031, et seq., to establish and operate a transportation service for passengers, baggage, and small packages between certain hotels in the Coachella Valley and Ontario Airport (already authorized by the PUC) and certain hotels in the Cities of Anaheim, Irvine, Newport Beach, Long Beach, and Los Angeles. Applicant intends to use luxury-type vehicles and will begin his proposed service with three 7-passenger Cadillac limousines. The proposed service will initially operate seven days a week with one round trip per day.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on September 8, 1983. A protest to the application was filed by Skyview Limousine Service, Inc. (Skyview). However, on November 18, 1983 counsel for Skyview indicated by letter that Skyview does not object to an interim order being issued by the Commission granting certain portions of the application ex parte. Protestant's counsel clarified that the only portion of the application being protested was authority to use the Marriott Century Hotel near Los Angeles International Airport (LAX) as a terminal point.

Applicant currently possesses certificated authority from this Commission to transport passengers under Decision (D.) 91938, dated June 17, 1980, with expanded authority granted by the Commission in D.82-08-021, dated December 1, 1982. Applicant also possesses Charter-Party Permit 1158P.

The service proposed by applicant calls for one scheduled westbound service in the morning and one eastbound scheduled service in the afternoon. The service will operate on a confirmed reservation basis and will operate seven days per week including holidays. Applicant will use three Cadillac limousines for the service and will add new equipment, as required, to meet public demand.

A financial statement accompanying the application shows total assets of \$159,000 and liabilities of \$62,500.

Applicant has been in the transportation business since 1977 and because applicant has the experience and a reliable track record under his current authority, applicant likewise feels he has sufficient experience and background in the transportation business to operate the proposed service in a profitable manner.

Applicant alleges that the public convenience and necessity require the granting of this application for the following reasons:

1. Travelers seeking service between the points to which authority is being sought by this application are currently limited in their choice of transportation. Granting the proposed authority will increase the options of the public to meet their transportation needs.
2. No other transportation companies are providing the same service to the destinations of the proposed service of applicant.
3. Applicant has contacted local travel agencies who have indicated a desire for the proposed service.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. There is no similar service as proposed by applicant being offered by any other transportation company.
3. Public convenience and necessity require the service proposed by applicant.
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.

5. There has been no protest filed with respect to the authority considered in this interim opinion.

6. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted to applicant, except for the requested service to and from the Marriott Hotel near LAX.

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 certificate of public convenience and necessity is granted to Ronald L. Miller 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-1121, 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 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.

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 both this Commission and the airport authority involved.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

This order becomes effective 30 days from today.

Dated JAN 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

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

Ronald L. Miller, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation for the transportation of passengers, baggage, and express over the routes described and subject to the following provisions and restrictions:

1. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. Tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- *2. On Routes 1 and 2, no passenger shall be transported who does not have as either a point of origin or destination the Palm Springs or Ontario International Airports.
3. Service may be conditioned on a minimum of two paid fares.
4. When route descriptions are given in one direction they apply to operations in either direction unless otherwise indicated.
5. Routes may be combined in either direction.
6. Express shall be transported only on passenger-carrying vehicles and shall be limited to a weight of not more than 100 pounds.
- #7. 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 both this Commission and the airport authority involved.

Issued by California Public Utilities Commission.

#Added and *Revised by Decision 84 01 025, Application 83-09-15.

SECTION 3. ROUTE DESCRIPTIONS (Continued)

Route 3

Service between the following points, on the one hand:

1. La Quinta Hotel, 49499 Eisenhower Dr., La Quinta
2. Erawan Garden Hotel, 76477 Highway 111, Indian Wells
3. Marriott Hotel, 41000 Bob Hope Dr., Rancho Mirage
4. Gene Autry Hotel, 4200 E. Palm Canyon Dr., Palm Springs

and the following points, on the other hand:

5. Ontario International Airport
6. Marriott Hotel, 700 W. Convention Way, Anaheim
7. Marriott Hotel, 18000 Von Karman, Irvine
8. Rochelle's Hotel, 3333 Lakewood Blvd., Long Beach

Issued by California Public Utilities Commission.

Decision 84 G1 025, Application 83-09-15.