

ORIGINAL

Decision No. 86569

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 Berkeley-Airport Connection, Inc.
 for Certificate of Public Convenience
 and Necessity to operate as a Passenger
 Stage Corporation, operating between
 points in Alameda County and the San
 Francisco Airport.

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)
) Application No. 56524
) (Filed June 3, 1976)
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O P I N I O N

By this application, Public Services Planning and Analysis Corporation, doing business as Berkeley-Airport Connection, seeks a certificate of public convenience and necessity to operate as a passenger stage corporation for the transportation of passengers and their baggage between the San Francisco International Airport (SFO), on the one hand, and Berkeley, on the other hand, serving no intermediate points. By a correction to the application, filed October 4, 1976, applicant's name was changed to that shown above. Applicant had requested additional authority which was protested by Airporttransit of California, doing business as Airporter (Airporter), and the matter was set for public hearing on September 24, 1976. A stipulation between applicant and Airporter filed September 17, 1976 eliminated the protested additional authority. With the filing of the stipulation the protest was withdrawn and the matter was removed from the hearing calendar. There were no other protests to the application.

The application states as follows: applicant is owned by Clifford S. and Judith C. Orloff and will be incorporated under the corrected name shown above upon approval of the application. The proposed service will be provided with two 1976 Ford 15-passenger Club Wagons. As of June 3, 1976, applicant had assets of \$39,000 and no liabilities. Applicant proposes to provide ten scheduled trips in each direction between Berkeley and SFO Monday through Friday and five scheduled trips in each direction on weekends. The proposed adult one-way fare is \$6.50, and the one-way fare for a passenger's spouse and children under 18, students under 22, and senior citizens over 65 years of age is \$4 each. There would be no charge for children under five not occupying a seat. More than 75 percent of the airline tickets written in Berkeley are for service through SFO. No convenient transportation service exists on a scheduled basis between the two locations. Because of this, applicant has been contacted by many firms and travel agencies to provide the proposed service. The proposed service is clearly in the public interest and, by reducing the number of persons driving independently, will have a positive environmental impact.

Applicant informed the Commission on October 8, 1976 that it will be ready to provide the proposed service on November 1, 1976 and requested that the matter be expedited. Upon review, we are of the opinion that the sought authority should be granted.

Findings

1. Applicant has the ability to provide the proposed service.
2. Public convenience and necessity require that the proposed service be authorized.
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. A public hearing is not necessary.

Conclusion

The application, as amended by the stipulation between applicant and Airporter dated September 17, 1976, should be granted as provided in the order which follows.

Public Services Planning and Analysis Corporation, doing business as Berkeley-Airport Connection, is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Public Services Planning and Analysis Corporation, doing business as Berkeley-Airport Connection, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.


- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the

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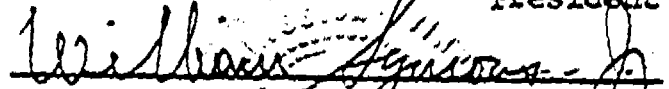
Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order shall be twenty days after the date hereof.

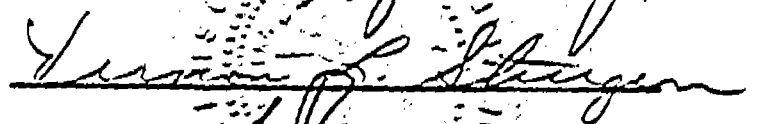
Dated at San Francisco, California, this 20th day of OCTOBER, 1976.



President



William J. Agnew



Vernon L. Sturgeon



Robert Bateman
Commissioners

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Appendix A

PUBLIC SERVICES PLANNING AND ANALYSIS CORPORATION Original Title Page
dba
Berkeley-Airport Connection

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A
PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

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 No. 86569
dated OCT 26 1976, of the Public Utilities Commission
of the State of California, in Application No. 56524.

PUBLIC SERVICES PLANNING
AND ANALYSIS CORPORATION
dba
Berkeley-Airport Connection

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

Public Services Planning and Analysis Corporation, doing business as Berkeley-Airport Connection, 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 to transport passengers and their baggage between the City of Berkeley and San Francisco International Airport over the most appropriate routes subject to the following provisions:

- (a) Service shall be provided with vehicles seating no more than fifteen (15) passengers, including driver.
- (b) No passenger(s) shall be picked up or discharged at any point intermediate to Berkeley and San Francisco International Airport.

Issued by California Public Utilities Commission.

Decision No. 86569, Application No. 56524.