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Decision No. 88450 JAN 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIRPORT SERVICE, INCORPORATED, )  
Complainant, )  
VS. )  
LUXE LIVERY SERVICE, INC., )  
Defendant. )

Case No. 10488  
(Filed January 19, 1978)

ORDER TO CEASE AND DESIST

Complainant is a passenger stage corporation as defined by Section 226 of the California Public Utilities Code and has been granted authority to operate as a passenger stage corporation pursuant to Decision No. 76877. Complainant is in the business of transporting passengers and their baggage between points and places in Los Angeles and Orange Counties, on the one hand, and Los Angeles International Airport (LAX), Orange County Airport (OCA), Ontario Airport, and Lockheed-Burbank Airport, on the other hand.

Defendant is Luxe Livery Service, Inc., operating through a "division" of its corporation, known as Orange County Limousine Service.

Complainant's verified complaint and supporting affidavits show that defendant is presently operating limousines or vans between various points in Orange County, on the one hand, and LAX, Ontario Airport, and OCA, on the other hand; that defendant formerly held a permit to operate as a charter-party carrier of passengers, TCP-191-P; that this permit was revoked by the Public Utilities Commission on September 1, 1977, for lack of evidence of public liability and property damage insurance on file with the Commission; that a notice of revocation of the charter-party carrier authority was sent September 1, 1977 to Luxe Livery Service by the Commission; and that defendant is presently charging rates similar, if not identical, to

those which had been charged by a 24-Hour Airport Express, Inc. and which were found to be beyond the limitations of permissible charter-party operations, and hence illegal, in Decision No. 88061 dated November 1, 1977.

The affidavits and exhibits attached to the complaint indicate that defendant has distributed literature to the general public indicating that it is providing charter-party or passenger stage service and that various members of the public have availed themselves of that service subsequent to the revocation of defendant's permit.

Complainant requests that the Commission immediately issue a cease and desist order against Orange County Limousine Service and Luxe Livery Service, Inc. from, in any manner or by any device, by any division of that corporation or otherwise, directly or indirectly, transporting passengers for compensation by bus or van or limousine over the highways of the state.

We have examined our records and find that defendant's operating authority was revoked on September 1, 1977 and that defendant has no evidence of public liability or property damage insurance on file with the Commission. We are of the opinion that good cause has been shown for the issuance of a cease and desist order.

IT IS ORDERED that Luxe Livery Service, Inc., Orange County Limousine Service, and any person, corporation, or entity acting as their agent, partner, joint adverturer, or in any capacity in connection therewith shall cease and desist from holding out, providing, or offering, or arranging to provide passenger stage service or charter-party service between points in the State of California, and more specifically between various points in Orange County, on the one hand, and Los Angeles International Airport, Ontario Airport, and Orange County Airport, on the other hand, pending further order of this Commission.

A hearing to inquire into whether this cease and desist order should be continued in effect or terminated shall be held before Administrative Law Judge James D. Tante on Friday, February 10, 1978, at 9:30 a.m. in the Commission Courtroom, State Office Building, 107 South Broadway, Los Angeles, California.

The Executive Director is directed to cause a certified copy of this order to be personally served forthwith upon the defendant.

The effective date of this order is the date hereof.

Dated at San Diego, California, this 31st day of JANUARY, 1978.

Robert Bakir  
President

William Brown Jr.

Richard E. Fudge  
Clare T. Dechick  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.