

Decision No. 88953 JUN 13 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PUBLIC SERVICES PLANNING AND  
ANALYSIS CORP. for a Certificate  
of Public Convenience and Necessity  
to operate as a Passenger Stage  
Corporation, operating between  
points in Alameda and Contra Costa  
Counties and the San Francisco  
International Airport.

Application No. 56927  
(Filed December 9, 1976;  
amended April 12, 1977)

William Mandel, Attorney at Law, for Public  
Services Planning and Analysis Corporation,  
applicant.  
Handler, Baker & Greene, by William Davis  
Taylor, Attorney at Law, for Airporttransit  
of California dba Airporter; and Horace G.  
Campbell and Brian K. Willson, for Airport  
Limousine Service of Sunnyvale, Inc.;  
protestants.  
Thomas T. Hamamoto, for the Commission staff.

O P I N I O N

Public Services Planning and Analysis Corporation seeks a certificate of public convenience and necessity as a passenger stage (§ 226 of the Public Utilities Code) to operate vans carrying passengers and baggage between San Francisco International Airport, on one hand, and points in Alameda and Contra Costa Counties, on the other. Applicant already has a certificate to operate a similar service between Berkeley and San Francisco International Airport (Decision No. 86569, in Application No. 56524). The new authority would extend service to Emeryville, Albany, Kensington, El Cerrito, North Oakland, East Oakland, Walnut Creek, Concord, and Orinda. The applicant originally proposed to pick up passengers on a reservation basis only, at any

point within the service areas specified by the passenger. Basic service would have consisted of approximately seven round trips per day. In addition applicant proposed to offer a 24-hour-a-day, seven-day-a-week on-call service. To demonstrate public convenience and necessity applicant alleged as follows:

"Having been contacted by many firms, hotels, and travel agencies, and having met with their representatives concerning the receiving of better door-to-door direct service for their employees and clientele, a certificate is needed to comply with the provisions of the Public Utilities Code.

"The proposed service would come about by reduction of the number of private automobiles being driven to the airport, have a positive environmental impact through reduction of noise and noxious gases.

"Because of the above facts and information about the need for dependable door-to-door service from travel agents and their clients the proposed service appears to be clearly in the public interest."

A protest was received on behalf of Airporttransit of California (Airporttransit), which holds a certificate (Decision No. 77121, Application No. 51730) to operate as a passenger stage corporation between San Francisco International Airport and cities of Berkeley and Oakland, among other points. The protest alleged that adequate transportation is presently being provided by Airporttransit and by other carriers such as Greyhound Lines, Inc., A C Transit, and permitted and certificated limousine operations. In addition, it was alleged that the Bay Area Rapid Transit System in conjunction with SAMTRANS offers a new service at very low fares which has diminished the volume of traffic available for existing privately owned carriers.

Airport Limousine Service of Sunnyvale, Inc. (Limousine) also protested. That carrier offers a certificated limousine service in Alameda and Contra Costa Counties, which includes service to and

from San Francisco International Airport. A prehearing conference was held before Administrative Law Judge Gilman on March 4 in San Francisco. As a result of discussions between the parties during the prehearing conference, applicant filed an amendment. The amendment, in response to Airporttransit's protest, accepted a limitation under which no passengers will be picked up within the city limits of Oakland. In response to Limousine's protest, applicant undertook to modify its proposed service so that it would no longer be competitive with the limousine service but would become a fixed-route, scheduled bus operation with no more than two designated stops en route in any single city or town. These modifications were made "with the understanding that both protesters to this application... will withdraw their protests pursuant to private communication with each of the above protestants". Since applicant's potential competitors have withdrawn their protests, their monopoly rights (§ 1032 of the Public Utilities Code) are no longer an issue.

We find that applicant has the financial resources and ability to operate the proposed service. We find that public convenience and necessity require that the application, as amended, be granted and conclude that the certificate set forth in Appendix A should be issued to applicant. Appendix A is an in-lieu certificate. It incorporates in a single document applicant's new and previous operating authorities. Since those previous authorities will become redundant when this is accepted, they will be canceled at that time.

Public Services Planning and Analysis Corporation 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, a corporation, 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 ten days after the effective date of this order on not less than ten 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. 70-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 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.

3. The certificate of public convenience and necessity granted by paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 86569, which certificate is revoked effective concurrently with the acceptance of this certificate required by paragraph 2(a).

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

Dated at San Francisco, California, this 13<sup>th</sup> day of JUNE 6, 1978.

Robert B. Quinn  
President  
William J. Quinn  
Joseph L. Steigman  
Robert W. Small  
David T. Smith  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A  
PASSENGER STAGE CORPORATION  
PSC-1009

---

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. **88953**,  
dated \_\_\_\_\_, of the Public Utilities Commission  
of the State of California, in Application No. 56927.

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

The certificate hereinafter noted supersedes all authority heretofore granted to Public Services Planning and Analysis Corporation to operate as a passenger stage corporation.

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 San Francisco International Airport, on the one hand, and the points hereinafter described, on the other hand, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) Only passengers destined to or originating at the San Francisco International Airport passenger terminals shall be transported.
- (b) Pickup and discharge of passengers will be limited to the specific points hereinafter described.
- (c) Service shall be provided with vehicles seating no more than fifteen (15) passengers, including driver.

Issued by California Public Utilities Commission.

Decision No. 88953, Application No. 56927.

## Section 2. ROUTE DESCRIPTIONS

Route 1. Berkeley/San Francisco Int'l Airport

Between the City of Berkeley and the San Francisco International Airport passenger terminals, over the most appropriate route.

Route 2. Berkeley-Emeryville/San Francisco Int'l Airport

Commencing at the Durant Hotel, 2600 Durant Avenue, in the City of Berkeley (pick-up point), then over the most appropriate routes to the:

Marriott Inn, 200 Marina Boulevard, Berkeley  
(pick-up point - by reservation only)

Holiday Inn, 1800 Powell Street, Emeryville  
(pick-up point - by reservation only)

then via the San Francisco-Oakland Bay Bridge and the most appropriate route to the San Francisco International Airport passenger terminals. Return via reverse of same route.

Route 3. Concord-Walnut Creek/San Francisco Int'l Airport

Commencing at the Concord Inn, 1401 Willow Pass Road, Concord (pick-up point), then over the most appropriate routes to the:

Walnut Creek Bay Area Rapid Transit  
(BART) Station (pick-up point - by reservation only)

Intersection of Mt. Diablo Blvd. and Pleasant Hill  
Road, Lafayette  
(pick-up point - by reservation only)

Orinda Bay Area Rapid Transit  
(BART) Station (pick-up point - by reservation only)

Holiday Inn, 1800 Powell Street, Emeryville  
(pick-up point - by reservation only)

then via the San Francisco-Oakland Bay Bridge and the most appropriate route to the San Francisco International Airport passenger terminals. Return via reverse of same route.

(End of Appendix)

Issued by California Public Utilities Commission.

Decision No. 88953, Application No. 56927.