

ORIGINAL

Decision No. 90019 FEB 27 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JOSEFA HEYLIGER, doing business as LIMOUSINE CITY, for Certificate of Public Convenience and Necessity to operate as a passenger stage corporation to transport passengers and their baggage between Government Island and Fisherman's Wharf, Golden Gate Park in San Francisco and San Francisco International Airport.

Application No. 57861
(Filed February 9, 1978)

O P I N I O N

Josefa Heyliger, an individual doing business as Limousine City, seeks a certificate of public convenience and necessity to operate as a passenger stage in one direction only between Government Island located within the city limits of Alameda, on the one hand, and certain points in San Francisco that include Fisherman's Wharf and Golden Gate Park, and San Francisco International Airport, on the other hand. Applicant proposes to operate on an "On-Call" basis, without any minimum of persons before conducting operation, during weekdays and at 3 p.m. only on Fridays, Saturdays, and Sundays. Applicant plans on using a 1969 nine-passenger Volkswagen bus.

Applicant alleges in his application that he has received numerous requests from personnel located at Government Island who presently must rely on taxis or private vehicles for transportation to the points for which service is sought in this application. Applicant seeks two routes from Government Island to San Francisco International Airport, one direct and one via Fisherman's Wharf and Golden Gate Park to the airport. Applicant proposes to charge \$15 per person for service to the airport.

Exhibit D, attached to the application, indicates that applicant has a net worth of \$87,000 as of the date of the filing.

In response to a letter from San Francisco Municipal Railway indicating it would object to the granting of the application if applicant was seeking to pick up passengers in San Francisco, applicant responded by letter dated March 21, 1978 that he will pick up fares only on Government Island. No protest has been received in connection with applicant's request. On September 6, 1978, applicant responded to a staff request for additional data made on March 17, 1978.

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 be granted and conclude that the certificate set forth in Appendix A should be issued to applicant.

Applicant 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 Josefa Heyliger, an individual doing business as Limousine City, authorizing him 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 to do so 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 he accepts the certificate he 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 his 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 his 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 thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of FEBRUARY, 1979.

John E. Bryan
President
Walter S. Stinson
Charles D. Powell
Alvin J. Schick
Edward J. Jones
Commissioners

PWL

Appendix A

Josefa Heyliger
dba
LIMOUSINE CITY

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC 1063

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. 90019 dated _____,
of the Public Utilities Commission of the State of California in
Application No. 57861.

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

Josefa Heyliger, dba Limousine City, 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 on an "on-call" and scheduled basis between Government Island located within the city limits of Alameda, on the one hand, and San Francisco International Airport, on the other hand, with optional stops at Fisherman's Wharf and Golden Gate Park in San Francisco, over and along the route hereinafter described, subject, however, to the authority of this Commission to change or modify said route or territory at any time and subject to the following provisions:

- (a) Applicant shall only pick up passengers at Government Island.
- (b) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.
- (c) "On-call" service is to be operated Monday through Thursday and scheduled service on Friday, Saturday and Sunday.

Issued by California Public Utilities Commission.

Decision No. 90019, Application No. 57861.

SECTION 2. DESCRIPTION OF ROUTES-

Route 1. Commencing at Government Island, thence east on Dennison Street to SR 17, north on SR 17 to I-80, west on I-80 to SR 101 in San Francisco, south on SR 101 to the San Francisco International Airport.

Route 2. Commencing at Government Island, thence east on Dennison Street to SR 17, north on SR 17 to I-80, west on I-80 to San Francisco, with stops at Fisherman's Wharf and Golden Gate Park in San Francisco, thence south on SR 101 to the San Francisco International Airport.

Issued by California Public Utilities Commission.

Decision No. 90019, Application No. 57861.