

MEG/FS

Decision No. 90391 JUN 5 1979

Handwritten stamp: ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

WILDE AND WILDE, INC., a)
California corporation, dba)
YELLOW CAB CO., BLACK AND)
WHITE CAB CO., CHECKER CAB)
CO., ARCHIE'S BLUE TOP CAB)
CO., AND UNITED RADIO CAB)
CO.,)

for a certificate of public con-)
venience and necessity to operate)
a dial-a-ride transportation serv-)
ice for passengers, property, and)
packages between Nees and Fowler)
Avenues on the north and east and)
Brawley and Central Avenues on the)
west and south in the Fresno-)
Clovis Metropolitan Area.)

Application No. 58379
(Filed September 25, 1978)

O P I N I O N

By this application, WILDE AND WILDE, INC. ("Wilde"), a California corporation, seeks a Certificate of Public Convenience and Necessity to operate a passenger stage service in the Fresno-Clovis area. The service would operate on an on-call "Dial-A-Ride" basis, providing economical transportation (fare to be \$2.00 per individual, with a special "SENIOR CITIZENS" fare of \$1.25 for each passenger 60 years of age or older) within a service territory generally including the greater Fresno-Clovis metropolitan area.

In support of its application, Wilde alleges that a definite need exists in the Fresno-Clovis area for such a low-cost alternative to the private automobile. Also, that the publicly-operated Fresno Transit (FT) service is insufficient to satisfy the needs of low mobility persons, particularly the elderly and handicapped, and that the FT service does not extend to all parts of Wilde's proposed service territory. Wilde also cites the Regional Transportation Plan for Fresno County, prepared by the Council of

A. 58379 - FS

Fresno County Governments and adopted in 1975, which "advocates dial-a-ride in the (Fresno-Clovis) Metropolitan Area as a substitute for bus service at night in areas not provided with fixed-route bus service and as a transportation service for low-mobility individuals who need door-to-door service." Applicant cites several additional transportation studies in support of its proposed new service, and attached several petitions and letters from local residents favoring the establishment of such a service in the subject area (Exhibit F to A. 58379).

Applicant's financial statement (as a copy of its Federal income tax return) is attached to the application as Exhibit E. It shows total income of \$481,200 for the tax year October 1, 1976 through September 30, 1977. (Deductions exceeded income for this year, resulting in zero tax liability). Applicant has experience in the transportation of passengers in the Fresno area through operation of several local taxicab services.

Applicant served copies of A. 58379 on Rangle, Rangle and Rangle, a company which has previously applied for authority to operate a passenger stage service similar to this (A. 56815, denied by D. 88131), and on the City of Fresno Department of Transportation. In addition, the application was listed in the Commission's Daily Calendar for September 27, 1978. No protests to the granting of the application have been received. A public hearing is not necessary.

Applicant previously applied for authority to operate a passenger service in the Fresno area (Application No. 56431). A. 56431 was denied by Decision No. 88131 dated November 22, 1977, because it was apparent that Wilde intended to operate the proposed passenger stage service in a manner so intermingled with applicant's existing taxicab services that it was not clear where the one would leave off and the other would begin. In particular, we noted that Wilde intended at that time to use its revenue equipment interchangeably for taxicab and passenger stage service. This would have resulted in individual-fare passenger stage transportation service being operated in taxicab vehicles, complete with taxi insignia, taxi meter,

and a general taxicab identification and appearance. We therefore concluded that, given the consequent confusion of these particular factual circumstances, Application No. 56431 should be denied and this was ordered by Decision No. 88131.

In denying Wilde authority to operate the service proposed in A. 56431, we stated that "it is certainly not our intention to discourage innovative transportation services. In our view, such services deserve a chance to have their feasibility tested and to show what contribution they can make to improving public transportation." We also noted that the Commission has indeed already authorized several passenger stage services of the "Dial-A-Ride" nature (cf: Decisions Nos. 85993, 85878, and 83456). The difficulty with Wilde's previous application was that its passenger stage service would not be distinct from its taxi operations. Wilde has now cured this defect by stating that it "does not intend to use Dial-A-Ride and taxicab vehicles interchangeably. All vehicles to be used as Dial-A-Ride vehicles will be so marked, and will have no meters or other devices peculiar to taxicabs." With this provision, the previous difficulty is remedied. We find that the public convenience and necessity require that the instant application be granted as provided in the following order.

Wilde and Wilde, Inc. 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 WILDE AND WILDE, INC. authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities

A. 58379 - FS

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 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 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.
- (d) 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

A. 58379 - FS

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

Dated at San Francisco, California, this 5th day of JUNE, 1979.

John E. Burns
President
James L. Steyer
Robert D. Givens
Clayton J. Givens
Lawrence M. Givens
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A
PASSENGER STAGE CORPORATION
PSC-1072

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. 90391 dated
JUN 5 1979, 1979, of the Public Utilities Commission of
the State of California, in Application No. 58379.

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

Wilde and Wilde, Inc., a California Corporation, by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport passengers, baggage, and express over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said authority at any time and subject to the following provisions:

- (a) All vehicles to be used will be clearly marked and identified as "Dial-a-Ride" vehicles and shall have no meters, roof dome, top light, or other devices peculiar to taxicabs.
- (b) Service shall be provided in response to advance telephone reservations, although the carrier shall also transport persons who request transportation in person while the vehicles are operating enroute. Priority shall be given to advance telephone reservations, however, in the event that not all passengers can be seated in a given vehicle. In the event that it is necessary to refuse transportation in a given vehicle to a person who did not make an advance telephone reservation, the driver shall promptly communicate the request for transportation to the carrier's dispatcher, whereupon another vehicle shall be dispatched to transport the person(s) having requested transport. Conditions attendant to the reservations process, including the number of minutes of advance time required to assure transportation in response to a reservation, shall be set forth in the carrier's tariffs and timetables to be filed with this Commission.

Issued by California Public Utilities Commission.

Decision No. 90391, in Application No. 58379.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (continued)

- (c) The hours of service shall not be less than from 8:00 a.m. to 6:00 p.m. Mondays through Fridays. Hours of service shall be set forth in the carrier's timetables to be filed with this Commission.
- (d) This passenger stage service shall be operated and marketed as a distinct service, with vehicles, telephone directory listing(s) and telephone reservation number(s) different from those of any other transportation services. Applicant shall not sell or refer callers for these certificated services to taxicab transportation within the service area described below, except for transportation outside the hours of service of these certificate operations.
- (e) Routing shall be by the shortest reasonable route, designed to carry the passengers to their specified destinations within the service area in an expeditious manner, taking into consideration the destinations of all the passengers in the vehicle.
- (f) Transportation shall only be rendered in vehicles of 15 or less passenger capacity, including the driver.

SECTION 2. SERVICE AREA

Fresno - Clovis Metropolitan Area

That portion of the Fresno-Clovis Metropolitan Area bounded by Fowler Avenue on the east; Nees Avenue, a projection of Nees Avenue to the San Joaquin River, and the San Joaquin River on the north; Brawley Avenue (and its projection to the San Joaquin River) on the west; and Central Avenue on the south.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 90391, in Application No. 58379.