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ORIGINAL

Decision No. 90398 JUN 5 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ROBERT ALAN POLLACK, for)	
certificate of public convenience))	
and necessity to operate a pas-)	Application No. 58701
senger service between the High)	(Filed February 23, 1979)
Desert area and the Ontario Air-)	
port.)	
_____)	

Robert Alan Pollack, for himself, applicant.
William O. Austin, for the Commission staff.

O P I N I O N

Robert Alan Pollack, an individual doing business as Hi Desert Airport Service (Hi Desert), seeks a certificate of public convenience and necessity, pursuant to Section 1031, et seq., of the Public Utilities Code, to operate as a passenger stage corporation to transport passengers and their baggage between a terminal each in the cities of Barstow and Victorville, on the one hand, and the Ontario International Airport (OIA), on the other hand.

Notice of the filing of the application was published in the Commission's Daily Calendar on Monday, February 26, 1979. Notice of hearing was mailed to Greyhound Lines, Inc., as well as to applicant, and first appeared in the Commission's Daily Calendar on Tuesday, April 3, 1979.

Public hearing was held before Administrative Law Judge N. R. Johnson at Los Angeles on April 23, 1979, and the matter was submitted on the above date. Testimony was presented on behalf of Hi Desert by the applicant and by tour operator, Alice Faulalo Pollack.

The staff of the Los Angeles Passenger Operations Branch participated in the proceeding through cross-examination of the applicant and Alice Faulalo Pollack.

Applicant is presently engaged in conducting a domestic and foreign travel agency business with co-owner Alice Faulalo Pollack. There are three tour facilities utilized in the venture, all of which are located in Barstow and Victorville.

Position of Hi Desert

Testimony and/or exhibits presented on behalf of Hi Desert indicate that:

1. At present there is no direct public transportation being provided between points in Barstow/Victorville and the OIA.
2. Applicant's travel agency receives numerous requests for bus service to connect with flights at OIA.
3. Potential patronage for the transportation service as proposed in the application also exists in several communities surrounding Barstow/Victorville and if granted the authority sought, applicant intends development and expansion of this market.
4. There will be three round trips daily, except Wednesday, between Holiday Inn Barstow and Holiday Inn Victorville and the OIA. Passengers will be guaranteed seats by telephone reservation.
5. The proposed fare between Victorville and the OIA is \$8 for passengers 12 years of age or older, \$4 for passengers 2 through 11 years of age, and no charge for passengers under 2 years of age.
6. The proposed fare between Barstow and the OIA is \$9 for passengers 12 years of age or older, \$4.50 for passengers 2 through 11 years of age, and no charge for passengers under 2 years of age.

7. Transportation during the initial operations will be by a 12-passenger 1979 Ford Super Van Wagon.

8. Maintenance of the van will be performed by a qualified mechanic. A substitute van will be rented from a rental agency during periods the regular van is inoperative.

Position of the Commission Staff

Based upon testimony as to applicant's financial fitness and the apparent public need for the proposed service, the Commission staff supports the application.

Discussion

The record indicates that Hi Desert has the financial resources necessary to implement the proposed transportation service. The financial statement attached to the application shows a net worth of \$301,700, as of January 1979.

In addition, the daily bus service proposed would provide patrons with direct service between Barstow/Victorville and the OIA without the need by passengers to change buses at San Bernardino or Riverside.

It appears that the operations of Hi Desert will have little effect on the level of patronage for other bus carriers serving Barstow, Victorville, and the Ontario areas. Consequently, granting the requested certificate poses no conflict with Section 1032 of the Public Utilities Code:

". . . The commission may, after hearing, issue a certificate to operate in a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving such territory will not provide such service to the satisfaction of the commission."

Findings

1. Hi Desert possesses the necessary experience, equipment, facilities, and financial ability to provide the proposed service.

2. Public convenience and necessity require the granting of the certificate of public convenience and necessity requested by applicant.

3. There is no direct public transportation service now being provided between Barstow/Victorville and the OIA.

4. The route proposed by Hi Desert, generally over Interstate Highway 10 and Interstate Highway 15, is reasonable.

5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

6. Public convenience requires prompt commencement of the proposed service and there is no opposition to the proposal. The effective date of the following order should be the date hereof.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Hi Desert is hereby 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 over a particular route. 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 Robert Alan Pollack, doing business as Hi Desert Airport Service, as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between points and subject to the conditions particularly 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. 79-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 is the date hereof.

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

John E. Byron
President
Richard D. Charles
James H. Smith
Commissioners

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Appendix A

ROBERT ALAN POLLACK
doing business as
HI DESERT AIRPORT SERVICE

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC 1071

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. **90398**
dated JUN 5 1979, of the Public Utilities Commission
of the State of California under Application No. 58701.

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Appendix A

ROBERT ALAN POLLACK
doing business as
HI DESERT AIRPORT SERVICE

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Issued by California Public Utilities Commission.
Decision No. 90398, Application No. 58701.

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

Robert Alan Pollack, doing business as Hi Desert Airport Service, 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 a terminal each in the cities of Barstow and Victorville, on the one hand, and the Ontario International Airport located in San Bernardino County, on the other hand, over and along the most direct or reasonable route or routes subject, however, to the authority of this Commission to change or modify such routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) No passengers shall be transported except those having point of origin or destination at the Ontario International Airport.
- (d) Passengers shall be picked up and discharged only at points and places to be named in applicant's tariffs and timetables filed with the Commission.
- (e) When service is rendered on an "on-call" basis, tariffs and timetables of Hi Desert Airport Service shall show the conditions under which such "on-call" service will be rendered.
- (f) Carrier shall identify all terminals served in timetables on file with the Commission.