

Decision No. 91250 JAN 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Diablo Airporter, a partnership)
composed of Hugh J. Reilly,)
Michael L. LeBreck, and William A.)
Hanson for a certificate to)
operate as a passenger stage)
corporation between Alamo,)
Danville, Dublin, and the San)
Francisco International Airport)
and the Oakland International)
Airport.)

Application No. 59148
(Filed September 18, 1979;
amended September 24, 1979)

Hugh J. Reilly, for Diablo Airporter, applicant.
Howard Obrentz, for Airport Limousine Service,
Inc., protestant.
Erik Juul and Marc E. Gottlieb, for the
Commission staff.

O P I N I O N

Diablo Airporter, a partnership composed of Hugh J. Reilly, Michael L. LeBreck, and William A. Hanson, request a certificate to operate as a passenger stage corporation between Alamo, Danville, and Dublin, on the one hand, and on the other, the Oakland International Airport (OAK) and the San Francisco International Airport (SFO). The application was protested by Airport Limousine Service, Inc. A hearing was held on the matter on November 15, 1979 at San Francisco before Administrative Law Judge Pilling.

Diablo Airporter proposes to conduct a seven-day a week service between Alamo, Danville, and Dublin and SFO and OAK via the route shown in the application. Service will be conducted with three leased 12-passenger Dodge maxi-vans. Six round-trip schedules serving each airport will be operated daily except on Saturdays, Sundays,

and holidays when only three round-trip schedules will operate. The first schedules to OAK and SFO will leave Alamo at 6:00 a.m., and the last schedule from OAK to Alamo will leave at 8:45 p.m. and from SFO at 8:30 p.m. The fare to or from SFO will be \$15 and to or from OAK will be \$10. The one-way mileage on the SFO run is 47 miles and on the OAK run is 22.4 miles. A maximum of 12 passengers will be accepted for any single one-way trip. All seats will be sold on a first come, first served basis. The three partners have a combined outside income of \$6,000 per month and they have set up a \$6,000 cash reserve to cover any start-up losses. One of the partners of Diablo Airporter testified that he conducted a recent face-to-face random survey of 500 air travelers at SFO and OAK. Forty-five of the persons surveyed said they were from the area in Contra Costa County to be served by Diablo Airporter and 32 of those persons gave a favorable response to using the proposed service. Three business concerns in Contra Costa County, by letter, support the proposed service. The witness for Diablo Airporter testified that if a need was shown to operate schedules later in the evening than presently planned that his company would establish such later schedules.

Protestant Airport Limousine Service, Inc. did not offer any evidence or testimony.

Findings of Fact

1. Diablo Airporter, a partnership, seeks to operate a passenger stage service between Alamo, Danville, and Dublin, on the one hand, and, on the other hand, SFO and OAK.
2. The proposed service will operate six round-trip schedules serving each airport each weekday and three schedules on Saturdays, Sundays, and holidays.
3. Service will be conducted with three leased 12-passenger Dodge maxi-vans.
4. Diablo Airporter is financially able to conduct the proposed operation.
5. A survey conducted by one of the partners of Diablo Airporter indicated a public need for the proposed service.

6. Public convenience and necessity require the issuance of the requested certificate.

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

Conclusion of Law

1. The application should be granted.

2. The order should become effective on the date of issuance in order that applicants may immediately institute a transportation service for which there is a demonstrated need.

Diablo Airporter 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 Diablo Airporter, a partnership composed of Hugh J. Reilly, Michael L. LeBreck, and William A. Hanson, 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, applicants 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, applicants shall file a written acceptance of the certificate granted.

Applicants are placed on notice that if they accept the certificate they 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, applicants 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) Applicants shall maintain their 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.

The effective date of this order is the date hereof.

Dated JAN 15 1986, at San Francisco, California.

John E. Bryson
President
Richard D. Kwolek
James T. Sedgwick
James M. Smith
Commissioners

/NB

Hugh J. Reilly, Michael L. LeBreck
and William A. Hanson
(a partnership)
Doing Business As
Diablo Airporter

Appendix A

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC-1101

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. 91250
dated JAN 15 1980 of the Public Utilities Commission
of the State of California, in Application No. 59148.

Hugh J. Reilly, Michael L. LeBreck
and William A. Hanson
(a partnership)
Doing Business As
Diablo Airporter
(PSC-1101)

Appendix A

Original Page 1

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

Hugh J. Reilly, Michael L. LeBreck, and
William A. Hanson (a partnership), doing business as Diablo
Airporter, by the Certificate of Public Convenience and Necessity
granted by the decision noted in the margin, ^{are} authorized to
operate as a Passenger Stage Corporation to transport passengers Kw
and their baggage between the San Francisco and Oakland Inter-
national Airports, 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 or Oakland 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 not more than fifteen (15) passengers, ←
including driver.

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and William A. Hanson
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Diablo Airporter
(PSC-1101)

Appendix A

Original Page 2

SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Alamo-Danville-Dublin/San Francisco
International Airport.

Commencing at Alamo Plaza at the intersection
of Stone Valley Road and Danville Boulevard in
Alamo (pickup point), then over the most appro-
priate routes to:

Danville Shopping Center at the intersection
of Town and Country Drive and San Ramon Valley
Boulevard in Danville (pickup point),

Howard Johnson Motor Lodge, 6680 Regional
Street in Dublin (pickup point), then via
the San Mateo Bridge and the most appropriate
route to the San Francisco International
Airport passenger terminals. Return via
reverse of same route.

Route 2. Alamo-Danville-Dublin/Oakland International
Airport.

Commencing at Alamo Plaza at the Intersection of
Stone Valley Road and Danville Boulevard in Alamo
(pickup point), then over the most appropriate
routes to:

Danville Shopping Center, at the intersection
of Town and Country Drive and San Ramon Valley
Boulevard in Danville (pickup point);

Howard Johnson Motor Lodge, 6680 Regional
Street in Dublin (pickup point); then via
the most appropriate route to the Oakland
International Airport passenger terminals.
Return via reverse of same route.

(End of Appendix A)

Issued by California Public Utilities Commission.

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