

Decision No. 92136 AUG 19 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Elmer Reynolds, doing business as Coronado Livery, Inc., for authority to increase its fares pursuant to Section 454 of the Public Utilities Code.

Application No. 59501 (Filed March 6, 1980)

In the Matter of the Application of Elmer Reynolds, doing business as Coronado Livery, Inc., to increase passenger bus fares between Coronado and San Diego Airport.

Application No. 59623 (Filed April 29, 1980)

O P I N I O N

Application 59501, filed March 6, 1980, requested authority for Elmer Reynolds, doing business as Coronado Livery, Inc., to increase passenger fares between Coronado and San Diego International Airport from \$3.50 to \$6.00. The staff of the Transportation Division of the Commission requested additional information. When the information was furnished it was in the format of an application and it was docketed as a new application (Application 59623). Since both applications are requesting the same authority, they will be treated as one. The service is provided under the authority granted by Decision No. 80420, dated August 29, 1972 (PSC-914) and is operated "on-call". Applicant also operates under Charter-party Carrier Permit TCP-151-P and has other operations which are not regulated by this Commission.

The present fares were established at the time the service was started November 15, 1972. Applicant proposes to increase the present fare of \$3.50 to \$6.00. The application shows that this increase should provide an additional gross revenue of \$65,757.00 per year. Charter-party Carrier Permit TCP-151-P was issued to Elmer Reynolds, doing business as Coronado Livery in 1969. The passenger

stage authority (PSC-914) was issued in 1972. Coronado Livery, Inc. was incorporated during 1972 and the Charter-party Carrier Permit TCP-151-P was transferred to the corporation. Due to an oversight, the Passenger Stage Certificate was not transferred to the Corporation but was retained in the name of the individual, Elmer Reynolds, doing business as Coronado Livery.

By letter dated May 5, 1980, applicant requested to have the Passenger Stage Certificate transferred to Coronado Livery, Inc. The order following will cancel the authority issued to Elmer Reynolds and reissue the same authority to Coronado Livery, Inc.

The Transportation Division staff reviewed the data in the applications, the annual reports to the Commission and the operations of the applicant. The staff also reviewed the method of computation used in preparation of the applications and concluded that if the staff made a study, the basic results would have been approximately the same i.e. that a fare increase is necessary to maintain the economic viability of the carrier.

Applicant claims to have been experiencing steadily increasing direct and indirect costs, especially the skyrocketing fuel costs over which it has no control and, unless a fare adjustment is granted as early as practical, the service to the public will be materially adversely affected.

The proposed rates qualify for an exemption under the President's Guidelines for Wage and Price Increase since they are necessary to insure the continued viability of this transportation service.

Notice of the filing of this application was listed in the Commission's Daily Calendar. Additionally, the Commission staff notified affected public transit operators and planning agencies of the receipt of this application, pursuant to California Public Utilities Code Sections 730.3 and 730.5. No protests or adverse comments have been received.

Since there is an immediate need for this fare adjustment, the order should be effective on the date signed.

F I N D I N G S

After consideration, the Commission finds that:

1. Since the applicant's present rates were established, November 15, 1972, it has experienced increases in operating expenses, the most significant being fuel.
2. The requested fare increase will result in an additional annual gross revenue of approximately \$65,575.00 ✓ SS
3. The proposed fares are necessary to compensate for the rising costs of operation.
4. The fare increase requested in Applications 59501 and 59623 ✓ is justified.
5. No protests have been received concerning these applications.
6. A public hearing is not necessary. ✓
7. The Certificate of Public Convenience and Necessity should ✓ be reissued in the name of Coronado Livery, Inc.

The Commission concludes that the fare increase requested should be granted and the certificate transferred to Coronado Livery, Inc.

Coronado Livery, 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. Within thirty days after the effective date of this order, Coronado Livery, Inc. shall file with the Commission written acceptance of the reissued certificate.
2. Coronado Livery, Inc. shall amend or reissue the tariffs

and timetables on file with the Commission, naming rates and rules governing the passenger stage operations transferred to show that it has adopted or established, as its own, the rates and rules. 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with the provisions of General Orders Nos. 79-Series and 98-Series may result in a cancellation of the operating authority granted by this decision.

3. The certificate of public convenience and necessity granted by Decision No. 80420 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2.

4. Transferee shall comply with the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.

5. A certificate of public convenience and necessity is granted to Coronado Livery, Inc., 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.

6. Coronado Livery, Inc. is authorized to increase passenger fares from \$3.50 to \$6.00 as requested in ^{Application No. 59501.} ~~these applications~~. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may 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 to the public

7. The authority shall expire unless exercised within ninety days after the effective date of this order.

8. In addition to the required posting and filing of tariffs, applicant shall give notice to the public by posting in his vehicles and terminals a printed explanation of fares. Such notice shall be posted not less than ten days before the effective date of the fare changes and shall remain posted for a period of not less than thirty days.

9. Application No. 59623 is dismissed.

The effective date of this order is the date hereof.

Dated AUG 19 1980, at San Francisco, California.

John E. Bryson
President
William L. Sturgeon

Clare J. DeLuca
Richard D. Gravello
Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A

CORONADO LIVERY, INC.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC-914
TO OPERATE AS A PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations
exceptions and priveleges 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. 92136 dated AUG 10 1980,
of the Public Utilities Commission of the State of California,
in Application No. 59501. SS

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
SPECIFICATIONS

The certificate hereinafter noted supersedes all operative authority heretofore granted to Elmer Reynolds, doing business as Coronado Livery, ~~Inc.~~ or his predecessors. SS

Coronado Livery, Inc., 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 for the transportation of passengers and their baggage over the routes hereinafter described and subject to the following provisions and restrictions:

- (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 operations in either direction unless otherwise indicated.
- (c) Service shall be limited to the transportation of passengers who originate at or are destined to the San Diego International Airport.
- (d) All passengers must be picked up or discharged at points within the authorized service area described herein, or at the San Diego International Airport.

Issued by California Public Utilities Commission.

Decision No. 92136, Application No. 59501.

SECTION 2. SERVICE AREA DESCRIPTIONS

Boundary of authorized service area is as follows:

Coronado Service Area

Commencing at the intersection of D Avenue and 4th Street; thence along 4th Street, C Street, 10th Street, Pomona Avenue, Silver Strand Highway (State Route No. 75), Avenue Del Sol, Pacific Ocean shoreline to the prolongation of D Avenue and thence along said prolongation of D Avenue and D Avenue to point of beginning.

SECTION 3 ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify such at any time, Coronado Livery, Inc. shall conduct passenger stage operations between the following points and over and along the following described route:

Commencing at the Coronado Service Area; thence along State Route No. 75, San Diego Freeway (Interstate Route No. 5), thence over and along the most direct or appropriate route or routes to the San Diego International Airport.

END OF APPENDIX A

Issued by California Public Utilities Commission

Decision No. 92136, Application No. 59501.