

Decision No. 92261 SEP 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Merritt M. & Marilyn L. Black, dba FUN)
Connexion, Inc.)
For certificate of Public Convenience and)
Necessity to operate as a Passenger Stage)
Corporation, operating between points in)
Alameda County, San Francisco Airport and)
Marriotts Great American, Santa Clara, Ca.)

ORIGINAL

Application No. 59556
(Filed March 31, 1980)

O P I N I O N

By this application, FUN Connexion, Inc., a name to be incorporated in this State upon being granted the sought authority stated herein, filed by Merritt M. and Marilyn L. Black, requests a certificate of public convenience and necessity to operate as a passenger stage corporation transporting passengers and their baggage between San Francisco International Airport (SFO) on the one hand, and Fremont, Union City and Newark, on the other hand, and between Fremont BART Station and Marriott's "Great America".

The proposed standard fare to or from SFO is \$10.00 per person one way, while the reduced fare of \$8.00 per person is offered only upon telephone reservation from the following:

- (1) A family of three or more, with first member paying the full fare.
- (2) Senior citizens, ~~over~~ 65 years and over.
- (3) Groups consisting of four or more persons.

The proposed fare to or from "Great America" is \$4.00 per person.

Applicant indicates that it has cash in the amount of \$12,000 and equipment valued at \$3,000. The passenger stage equipment will be a 1980 Plymouth 15-passenger vehicle including driver and a 1972 Plymouth 8-passenger wagon including driver.

The application was listed on the Commission's Daily Calendar of April 2, 1980. Copies of the application were served on

Greyhound Lines, Inc., Airport Limousine Service of Sunnyvale, Bay Area Limousine, Holiday Limousine Service, City of Fremont and the County Clerks of Santa Clara, San Francisco and San Mateo Counties. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protests or requests for public hearing, it be granted by ex parte order. No protest or request for hearing has been received.

Findings of Fact

Upon consideration of the evidence, the Commission finds as follows:

1. FUN Connexion, Inc. seeks authority to operate as a passenger stage corporation providing service between San Francisco International Airport, on the one hand, and Fremont, Union City and Newark, on the other hand, and between Fremont BART Station and Marriott's Great America.

2. Applicant has the financial resources to operate only passenger stage vehicles that ^{has} a seating capacity of ~~less~~ ^{no more} than fifteen (15) passengers including the driver to institute and maintain the proposed service. ✓ SS

3. The proposed fares appear to be justified.

4. The Commission staff supports the application.

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. A public hearing is not necessary.

7. Applicant has demonstrated that public convenience and necessity require granting of the application.

Conclusions of Law

It is concluded that the sought authority should be granted. Since there are no protests, and since the public will benefit from immediate institution of the service, the following order should be effective the date of signature. FUN Connexion, Inc.

is placed on notice that operative rights, as such, do not constitute a class of property 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 permission aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled 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 FUN Connexion, 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 subject to the conditions 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 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 shall be effective not earlier than five days after the effective date of this order on not less than five 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 as set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) 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 its 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 SEP 16 1990, at San Francisco, California.

John E. Byrne
President

William L. Strangman

Richard D. Howell

Charles F. DeLoach

Edward J. Smith
Commissioners

T/VVB

Appendix A

FUN Connexion, Inc.
(a California corporation)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC - 1126

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. 92261, dated SEP 16 1980
of the Public Utilities Commission of the State of California,
in Application No. 59556.

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

FUN Connexion, Inc., a California corporation, by the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted in the decision noted in the margin, is authorized to transport passengers and their baggage between the cities of Fremont, Union City and Newark located in the County of Alameda, on the one hand, and San Francisco International Airport, on the other hand, and between Fremont BART Station and Marriott's Great America, traversing over the most appropriate and convenient streets and highways subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. Vehicles utilized in this operations shall not exceed 14-passenger seating capacity, excluding the driver.
- b. No service shall be rendered to intermediate points other than the points stated herein.
- c. Only hand-carried items of the passengers ~~accompanying the passengers~~ shall be transported between Fremont BART Station and Marriott's Great America.

Issued by California Public Utilities Commission.

Decision No. 92261, Application No. 59556.