

ORIGINAL

Decision No. 92389 NOV 4 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Airport Passenger, Inc. for)
certificate of public convenience)
and necessity to operate scheduled)
and on call, passenger and express)
service between Stockton and the)
San Francisco and Sacramento)
Airports and from the Stockton)
Airport to the hotels and motels)
in the Stockton area under P.U.C.)
Rules Section 1031 and intermediate)
points.)

Application No. 59814
(Filed July 14, 1980;
amended September 10, 1980)

O P I N I O N

Applicant Airport Passenger, Inc., a California corporation, requests authority to conduct operations as a passenger stage corporation between Stockton, on the one hand, and San Francisco International Airport and Sacramento Metropolitan Airport, on the other hand. Also applicant requests authority to serve between Stockton Metropolitan Airport and Stockton center city hotels and motels.

Notice of the application appeared on the Commission's Daily Calendar on July 18, 1980. Greyhound Lines, Inc. (Greyhound) initially protested the granting of the application.

At the prehearing conference held on August 29, 1980, protestant Greyhound failed to appear. Applicant indicated that it had reached an agreement with Greyhound whereby it would amend its application and Greyhound would not pursue its protest.

Subsequent to the prehearing conference, applicant amended its application to show that service would not be provided to intermediate points. The amendment also stated that service would be provided only to passengers with a prior or subsequent movement by air.

Applicant plans to operate three van-type passenger vehicles capable of transporting 14 passengers to conduct two round trips daily except Sunday on each of the routes. Applicant will, in addition, provide on-call service subject to a minimum charge equal to the fare for three passengers.

The fares between Stockton and the San Francisco International Airport will be \$19.80 and between Stockton and Sacramento Metropolitan Airport will be \$16.30. The fares for the local airport service will range from \$3.50 to \$5.00.

Applicant has operated as a charter-party carrier for over a year and as of July 14, 1980, his balance sheet shows a net worth of \$213,807.

The application states that there presently is no one providing this airport-type service in the Stockton area. The president of applicant has made an estimate that there are in excess of 3,600 potential customers each month. He has also contacted the managers of five local hotels/motels and several travel agencies. Each expressed interest in the service and each indicated that he would cooperate with applicant's program.

Findings of Fact

1. A public hearing is not necessary.
2. Applicant possesses the ability, experience, and financial resources to perform the proposed service.

3. There is public demand for applicant's proposed service.
4. Public convenience and necessity require that the requested authority be granted.
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.

Conclusion of Law

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

Applicant 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 Airport Passenger, 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 set forth in Appendix A of this decision.
2. In providing the 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 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 Order 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 shall be thirty days after the date hereof.

Dated NOV 4 1980, at San Francisco, California.

Jul E. Bryan
President

Herman L. Stinson

Richard W. Howell

Edward J. D'Agostino

James M. Smith
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC NO. 1131

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. 92389 dated
Nov 2 1980, of the Public Utilities Commission of
the State of California, in Application No. 59814.

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

Airport Passenger, 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 to transport passengers, baggage and express between Stockton Metropolitan Airport, on the one hand, and certain hotels in the City of Stockton, on the other hand; and between the City of Stockton, on the one hand and Sacramento Metropolitan Airport and San Francisco International Airport, on the other hand, along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (b) Service shall be restricted to the transportation of passengers having a prior or subsequent movement by air.
- (c) Applicant shall not pick up or discharge passengers except at the specified service points as hereinafter set forth in Section 2.
- (d) The transportation of express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than one hundred (100) pounds per shipment.

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Decision No. 92389, Application No. 59814.

SECTION 2. SERVICE POINTS.

1. San Francisco
 - (a) San Francisco International Airport
2. Sacramento
 - (a) Sacramento Metropolitan Airport
3. Stockton
 - (a) Stockton Metropolitan Airport
 - (b) Hilton Inn - 2323 Grand Canal Blvd.
 - (c) Holiday Inn - 221 N. Center St.
 - (d) Stockton Inn - 4219 E. Waterloo Rd.
 - (e) Airport Passenger, Inc.
Passenger terminal - 2305 So. Airport Way
 - (f) Travelodge, 631 N. Center
 - (g) Vagabond Hotel, 33 N. Center
 - (h) California 6 Motel, 817 Navy Dr.
 - (i) California 6 Motel, 6717 Plymouth Rd.
 - (j) Eden Park Inn, 1005 N. El Dorado
 - (k) Weberstown Island Motel, 4540 N. El Dorado

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