

ORIGINAL

Decision No. 92624 January 21, 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Airborn of Sonoma County, Inc., a)
California corporation, to sell and)
the Sonoma County Airport Express,)
a California corporation, for)
authority to acquire, pursuant to)
Section 851, et seq. of the)
California Public Utilities Code.)

Application No. 59957
(Filed September 23, 1980)

O P I N I O N

Airborn of Sonoma County, Inc. (seller) and Sonoma County Airport Express (purchaser), a corporation, have jointly applied for the transfer of a certificate of public convenience and necessity presently held by the seller issued under Decision No. 91993 dated July 2, 1980. That decision authorized the operation as a passenger stage corporation between terminals in Santa Rosa, and Rohnert Park, on the one hand, and San Francisco International and Oakland International Airports, on the other hand. Seller, at the time of filing of the application, had not commenced service; it intended to do so, however, prior to October 2, 1980.^{1/} Purchaser will assume the obligation to render service to the public in conformity with the requirements of the certificate of public convenience and necessity; it will adopt the appropriate sections of seller's tariff and timetable.

^{1/} Service has been delayed until the end of November 1980 because of a decision to convert the carrier's vehicles to propane fuel. However, insurance is on file.

It is alleged that purchaser has the necessary financial ability to operate. It has issued \$50,000 of common stock and has commitments in excess of that amount, if necessary for the operation of the business.

The controlling parties of seller are David Arnold, Christian E. Eddleman, and Jim Marshall. The first two individuals will be directors and major shareholders of buyer. The third director and major shareholder will be the attorney for both corporations.

The purpose of the transfer is a change in the identity of the persons controlling the certificate holder. It is alleged that the transfer is in the best interests of the public and that the public will not be adversely affected in any way by the granting of the proposed authority to transfer. It is also claimed that the matter is noncontroversial. Service by mail was established on a competitor based in Santa Rosa. No protests have been received.

Findings of Fact

1. Purchaser has the financial ability, personnel, and equipment necessary to conduct the proposed service.

2. The proposed transfer would not be adverse to the public interest.

The Commission concludes that the application should be granted and that a public hearing is not necessary.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Airborn of Sonoma County, Inc. and the issuance of a certificate in appendix form to Sonoma County Airport Express.

Purchaser 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. On or before April 1, 1981, Airborn of Sonoma County, Inc. may sell and transfer the operative rights and property referred to in this application to Sonoma County Airport Express.
2. Within thirty days after the transfer purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier 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.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Sonoma County Airport Express, 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.


5. The certificate of public convenience and necessity granted by Decision No. 91993 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

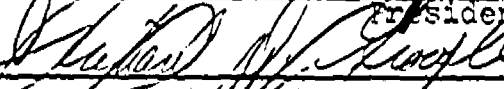
6. Purchaser shall comply with the safety rules administered by the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.

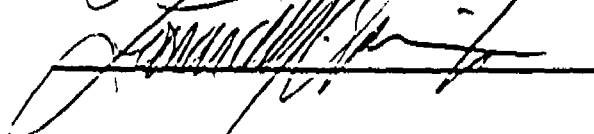
7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations 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 JAN 21 1981, at San Francisco, California.



President




Commissioners

T/FRC

Appendix A

SONOMA COUNTY AIRPORT EXPRESS
(a California Corporation)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC - 1120

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. **92624**,
dated JAN 21 1981 of the Public Utilities Commission
of the State of California, in Application No. 59957.

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

Sonoma County Airport Express, 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 Flamingo Hotel in Santa Rosa and Rohnert Park, on the one hand, and San Francisco and Oakland International Airports, on the other hand, over and along the routes hereinafter described, 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. No passengers shall be transported except those having origin or destination at either San Francisco International Airport or Oakland International Airport.
- c. No service shall be provided from San Francisco International Airport or Oakland International Airport unless provided pursuant to an advance reservation.
- d. Service may also be provided on an "on-call" basis. The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on-call" service will be rendered.

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SECTION II. ROUTE DESCRIPTIONS.

Route No.

1. Santa Rosa - Rohnert Park - San Francisco International Airport

Commencing at the Flamingo Hotel in Santa Rosa, thence over the most convenient and appropriate streets and roads to Highway 101, Rohnert Park Expressway, Rohnert Park, return and continue on Highway 101, and over and along the streets in San Francisco and over the most appropriate highways, streets and roads to the passenger terminal at San Francisco International Airport.

2. Santa Rosa - Rohnert Park - Oakland International Airport

Commencing at the Flamingo Hotel in Santa Rosa, thence over the most convenient and appropriate streets and roads to Highway 101, Rohnert Park Expressway, Rohnert Park, return and continue on Highways 101 and 17, Hegenberger Road, Airport Drive, in Oakland and to the passenger terminal at Oakland International Airport.

(END OF APPENDIX)

Issued by California Public Utilities Commission.

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