

SEP 12 1995

Decision 95-09-005 September 7, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Application of DAVID A. BAKER/SIBERRA TRANSPORTATION for certificate of public convenience and necessity to operate as a passenger stage corporation within the town of Oakhurst, CA.
Application 95-04-056 (Filed April 28, 1995)

ORIGINAL

OPINION

Applicant requests authority to operate a scheduled passenger stage corporation, David A. Baker, an individual (applicant), requests authority under Public Utilities (PU) Code § 1031 et seq. to operate as a scheduled passenger stage corporation to transport persons and their baggage between points in the unincorporated town of Oakhurst and the surrounding communities.

Applicant proposes to perform the scheduled service starting at 11:30 a.m. from the Holiday Inn Express in Oakhurst, with stops along the route that include certain restaurants, lodgings, stores, and points of interest before arriving at its last stop - Timberline Art Gallery at 12:52 p.m. Applicant proposes to provide four additional scheduled service starting at 1:00 p.m., 3:30 p.m., 5:00 p.m., and 6:30 p.m. The service will be provided Wednesday through Sunday.

The proposed one-way fare is \$2 and unlimited rides per day per person is \$6. Applicant proposes to use a thirty passenger vehicle. Applicant projects a gross revenue of \$25,010, less expenses of \$16,308, for a net revenue of \$8,702.

Applicant indicates that there is no public transportation or taxis serving Oakhurst. The existing roads, used by the local residents, are virtually at capacity.

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During the height of the tourist season, between Memorial Day and Labor Day, traffic congestion is common. Oakhurst is a stopover point for tourists visiting nearby Yosemite National Park.

Notice of filing of this application appeared in the Commission's Daily Calendar on May 10, 1995. The applicant notified all of the affected cities. No protest has been received. The Safety and Enforcement Division recommends that this application be granted.

Findings of Fact

H O I N I O

1. Applicant requests authority to operate a scheduled passenger stage corporation to transport persons and their baggage between points in the unincorporated town of Oakhurst and the surrounding communities.

2. Public convenience and necessity require the proposed service.

3. No protests to the application have been filed.

4. A public hearing is not necessary.

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.

Conclusions of Law

1. The application should be granted.

2. Since the matter is uncontested, the decision should be effective on the date signed.

Only the amount paid to the state for operative rights may be used in rate fixing. The state may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

Applicant indicates that there is no public transportation or taxis serving Oakhurst. The existing roads used by the local residents, are virtually at capacity.

3. Applicant is authorized to operate on the date that the Executive Director mails a notice to applicant that the evidence of insurance is on file with the Commission. **IT IS ORDERED that:**

1. A certificate of public convenience and necessity is granted to David A. Baker, an individual (applicant), authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, to transport persons and their baggage between the points and over the route set forth in Appendix PSC-9806. This order is effective today.

2. Applicant shall, on or before September 1, 1995, do the following:

a. File a written acceptance of this certificate within 30 days after this order is effective.

b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.

c. State in the tariffs and timetable when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.

d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.

e. Maintain accounting records in conformity with the Uniform System of Accounts.

Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

Acting Executive Director

3. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that his evidence of insurance is on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

4. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

5. The application is granted as set forth above.

This order is effective today.

Dated September 7, 1995, at Los Angeles, California.

File a written acceptance of this certificate within 30 days after this order is effective.

Establish the authorized service and file tariffs and timetables within 30 days after this order is effective.

DANIEL W. FESSLER
President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE
Commissioners

File tariffs and timetables at least 10 days before the Commission; and make tariffs effective 10 or more days after this order is effective.

Copy with General Orders Series 101, 104, and 128, and the California Highway Patrol safety rules.

Maintain accounting records in conformity with the Uniform System of Accounts for the Highway Industry.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY

When the Commission the
Application Reimbursement Fee
is filed in PU Code § 403 when
mail to do so.

Wealey Franklin
Acting Executive Director

Appendix PSC-9806

David A. Baker
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-9806

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

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 95-09-005, dated
September 7, 1995 of the Public Utilities Commission
of the State of California in Application 95-04-056.

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Issued by California Public Utilities Commission.

Decision 95-09-005, Application 95-04-056.

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

David A. Baker, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between points described in Section II, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route or service area 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. Scheduled service will be operated only at the designated service points listed in Section IIB. Such schedules shall be the timetable filed with the Commission. All of the stop points shall be described in the timetable filed with the Commission.
- c. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

Any point within the geographical U.S. Postal Zip Code areas as described below:

ZIP Codes
93644, 93604, 93623

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Section II then over the streets and highways to the points described in Section II.

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