

Mailed

SEP 8 1995

Decision 95-09-041 September 7, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Francisco Solorio, dba Francisco's Adventure, to transfer his certificate of public convenience and necessity and all other assets to Francisco's Adventures, Inc., a California corporation;

ORIGINAL

OPINION

Summary No protest has been filed, no hearing is required, and

Francisco Solorio and Francisco's Adventures, Inc. seek authority to transfer the certificate of public convenience and necessity (CPCN) now held by the former (transferor) to the latter (transferee), in conjunction with a change in the form of Solorio's business from a sole proprietorship to a corporation. The transfer does not involve a sale of the business, nor any change of ownership, and no protest has been filed. The application is granted.

Discussion

Francisco Solorio, dba Francisco's Adventure, is engaged in the operation of a passenger stage corporation (PSC-1186) pursuant to authority initially granted to him by this Commission in Decision 93649. In his business, he transports passengers and their baggage between all points within the City and County of San Francisco, San Mateo County, and Santa Clara County, on the one hand, and San Francisco International Airport, on the other. Currently he operates this business as a sole proprietor.

Solorio is incorporating his business, and will transfer all assets used in the business to the corporation. He seeks to transfer his operating authority to the transferee corporation, of which Solorio is the president, director, and sole shareholder.

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The application states that the transferee is ready, willing, and able to assume control of the certificate, and that the transferor will cease doing business as a passenger stage corporation after the transfer is completed.

The transaction represents a change in the form of the business entity, and nothing more. It involves no alteration of the ownership of the business, nor of the person responsible for operating it. The application states that the transferee is "confident that it will provide the same level of service as the [t]ransferor", and we have no basis to presume otherwise.

No protest has been filed, no hearing is required, and the application is granted.

Findings of Fact

1. Francisco Solorio, dba Francisco's Adventure (transferor), is an individual engaged in the operation of a passenger stage corporation (PSC-1186) pursuant to authority granted by this Commission.

2. Francisco's Adventures, Inc. (transferee) is a corporation organized under the laws of the State of California.

3. Francisco Solorio is the president, director, and sole shareholder of transferee.

4. By this application transferor seeks authority to transfer his CPCN to transferee.

5. Notice of the filing of the application appeared in the Commission's Daily Calendar on June 21, 1995. No protest has been filed. A hearing is not necessary.

6. Transferee is ready, willing, and able to assume control of transferor's certificate and provide the same level of service now provided by the transferor.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

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.

The State may authorize a person to operate a passenger air service between points and over the route defined in the code of the State of California and over the route defined in Appendix B of the Code of the State of California. The person so authorized shall be subject to the provisions of the Code of the State of California and the provisions of the Code of the State of California relating to the operation of such service.

The Commission is hereby authorized to issue such orders as may be necessary to carry out the provisions of this act.

**IT IS ORDERED that:**

1. By 30 days from the date of this order, Francisco Solorio may transfer the operative rights and property specified in the application to Francisco's Adventures, Inc., a California corporation.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.
- f. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

THE DECISION OF THE COMMISSION WAS APPROVED BY THE ABOVE OFFICERS AND EMPLOYEES OF THE COMMISSION

*W. J. ...*  
 Acting Executive Director

If the transfer is completed on the effective date of the tariffs a certificate of public convenience and necessity may be granted to Francisco's Adventures, Inc. a corporation authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-9916 to transport persons and baggage.

4. The CPCN granted by Decision 84-03-109 is revoked on the effective date of the tariffs.

The proceeding is closed as of the date of this order. This order is effective today.

Dated September 7, 1995 at Los Angeles, California.

Purchaser shall:

- a. File with the Transportation Division a copy of the certificate and a copy of the bill of sale or other transfer within 30 days after transfer.
- b. Make any necessary adjustments to the tariffs and rates in their services which will start on the effective date of this order, and allow at least 10 days' notice to the Commission.

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

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

e. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities Code § 403 when notified by the Commission.

of the Workers' Compensation laws relating to the Workers' Compensation laws of the State of California.

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

*Wesley Franklin*

Acting Executive Director

T/B9J/ej

Appendix PSC-9916

FRANCISCO'S ADVENTURES, INC.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-9916

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

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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.

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This certificate supercedes all operative authority  
previously granted to Francisco Solorio  
by D.93649 in Application A.60689.

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Issued under authority of Decision 95-09-041, dated  
September 7, 1995 of the Public Utilities Commission of the  
State of California in Application 95-05-070.

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Issued by California Public Utilities Commission.

Decision 95-09-041, Application 95-05-070.

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

Francisco's Adventures, Inc., a corporation, 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 the points described in Section II, on the one hand, and San Francisco International Airport (SFO), on the other hand, over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (b) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- (c) No passengers shall be transported except those having a point of origin or destination at (SFO).
- (d) This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.
- (e) The transportation of unaccompanied baggage or express shall be on passenger-carrying vehicles only and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment. This provision shall apply only between the cities of Santa Clara and San Jose, and a portion of San Francisco as described in Section IIC, on the one hand, and SFO, on the other hand.

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SECTION II. SERVICE AREAS.

A. ON-CALL SERVICE

Counties of San Francisco, San Mateo, and Santa Clara.

B. SCHEDULED SERVICE

1. SAN FRANCISCO - stop points  
Golden Gate Bridge  
Park Presidio and Geary Boulevard  
19th Avenue and Judah Street  
19th Avenue and Taraval Street  
19th Avenue and Winston Drive  
19th Avenue and Holloway Avenue

C. EXPRESS AREA

The cities of San Jose and Santa Clara.

A portion of the City of San Francisco as described as follows:  
Beginning at the shoreline of San Francisco Bay and the City and County limits, Geneva Avenue, San Jose Avenue, Dolores Street, Market Street and its prolongation and the shoreline of San Francisco Bay to the point of beginning.

SECTION III. ROUTE DESCRIPTIONS.

A. ON-CALL SERVICE

Commencing from any point in Section IIA, then over the most convenient streets and highways to SFO.

B. SCHEDULED SERVICE

Commencing from Golden Gate Bridge, then over State Highway 1 to:  
Park Presidio and Geary Boulevard,  
19th Avenue and Judah Street,  
19th Avenue and Taraval Street,  
19th Avenue and Winston Drive,  
19th Avenue and Holloway Avenue,  
and then over the most convenient streets and highways to SFO.

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