

NOV 8 1995

Decision 95-11-007 November 8, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Feliciano Moncada-Castaneda, doing business as Calmex-Express, for authority to operate as an on-call passenger stage corporation between points within San Ysidro, Los Angeles, Bakersfield, Fresno, and Merced.

ORIGINAL

Application 95-07+050 (Filed July 5, 1995)

OPINION

Feliciano Moncada-Castaneda, an individual (applicant), doing business as Calmex-Express, requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as a passenger stage corporation to transport passengers and their baggage between the City of San Ysidro, on the one hand, and the cities of Los Angeles, Bakersfield, Fresno, and Merced, on the other hand.

Applicant proposes to perform an on-call service between 7:00 a.m. and 7:00 p.m. Applicant will lease the vans from the drivers. The lease will identify the vehicle, the term of the lease, and the compensation paid to the owner of the vehicle. The leased vans will be insured by the applicant. The proposed adult one-way fares are \$13, \$25, \$35 and \$50, to Los Angeles, Bakersfield, Fresno, and Merced, respectively. The unaudited balance sheet indicates total assets of \$82,000, liabilities of \$20,000 and net worth of \$62,000.

Notice of filing of this application appeared in the Commission's Daily Calendar on August 24, 1995. No protest has been received. The applicant notified the affected cities and governmental entities. The Safety and Enforcement Division recommends that the application be granted.

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Findings of Fact

1. Applicant requests authority to establish and operate an on-call passenger stage corporation, to transport passengers and their baggage between the city of San Ysidro, on the one hand, and Los Angeles, Bakersfield, Fresno, and Merced, on the other hand.
2. Public convenience and necessity require the issuance of a certificate to perform 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. Public convenience and necessity have been demonstrated and the application should be granted as set forth in the following order.
 2. Since there is no formal objection filed with the Commission to the application, this decision should be effective on the date it is 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Feliciano Moncada-Castaneda, an individual, (applicant), authorizing him to operate as a passenger stage

corporation, as defined in Public Utilities Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-9693.

2. Applicant shall:

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

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.

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

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 1043.7 relating to the Workers' Compensation laws of this state regarding

5. The application is granted as set forth above

This order is effective today

Dated November 8, 1995, at San Francisco, California.

certificates within 30 days after this order is effective.

DANIEL W. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

- d. Copy with General Orders Series 101, 104, and 128, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU § 403 when notified by mail to do so.

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.

T/MM

Appendix PSC-9693

Feliciano Moncada-Castaneda
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-9693

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 95-11-007, dated November 8, 1995, of
the Public Utilities Commission of the State of California in
Application 95-07-050.

T/MM

Appendix PSC-9693

Feliciano Moncada-Castaneda
(an individual)

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Issued by California Public Utilities Commission.

Decision 95-11-007, Application 95-07-050.

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

Feliciano Moncada-Castaneda, 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 on "on-call" basis, between the points described in Section II, on the one hand, and the City of San Ysidro, on the other hand, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the 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. The term "on-call", as used, 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.
- c. No passengers shall be transported except those having either a point of origin or destination within the incorporated city limits of Los Angeles, Bakersfield, Fresno, or Merced.
- d. 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 AREAS.

Within the incorporated city limits of Los Angeles,
Bakersfield, Fresno, and Merced.

SECTION III. ROUTE DESCRIPTION.

ON -CALL SERVICE

Commencing from any point or place located in the cities
as described in Section II then over the most convenient streets and
highways to the City of San Ysidro.

Issued by California Public Utilities Commission.

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