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Decision 96-01-004 January 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Freeda D. Watenpaugh)
 dba The Peoples' Express, a sole)
 sole proprietorship, for certificate)
 of public convenience and necessity) Application 95-08-046
 to operate a passenger stage corp.) (Filed August 16, 1995)
 between points in Shasta County,)
 Anderson, Redding, Shasta Lake City.)

OPINION

Freeda D. Watenpaugh (applicant) an individual, 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 points and places in Shasta County.

Applicant proposes to perform on-call service, five days a week, transporting mostly senior citizens between their homes or other points and doctor's or dental offices, shopping places, lodges, bingo parlors and to other points and places within the U.S. Postal Zip Codes of 96001, 96002, 96003, 96007, 96019, 96049, and 96099. Redding Municipal Airport is located within the service area. Any service into or on airport property requires the approval from its governing body. Applicant plans to use one seven-passenger van. Applicant included a pro forma income statement for the period between August 1 through December 31, 1995. Projected income for this period is approximately \$10,240; projected total expenses are \$3,570; and projected net profit is \$6,670. The proposed tariff containing the rules and fares is shown in Exhibit "B", attached to the application. The proposed fares are reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 6, 1995. No protest has been received. The Safety and Enforcement Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority to establish and operate as a passenger stage corporation, on on-call basis, to transport passengers and their baggage between the points and places within the U.S. Postal Zip Codes of 96001, 96002, 96003, 96007, 96019, 96049, and 96099.

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. 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. A public hearing is not necessary.

2. Public convenience and necessity have been demonstrated and the application should be granted.

3. Since there is no formal protest 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 Freeda D. Watenpaugh (applicant) an individual, authorizing her 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 routes set forth in Appendix PSC-10100.

2. Applicant shall:

- 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 timetables 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 (CHP) 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.

- g. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

3. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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

5. The application is granted as set forth above.
This order is effective today.

Dated January 10, 1996, at San Francisco, California.

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

T/MM

Appendix PSC-10100

Freeda D. Watenpaugh
(an individual)

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-10100

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 96-01-004
dated January 10, 1996, of the Public Utilities Commission of the
State of California in Application 95-08-046.

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Appendix PSC-10100

Freeda D. Watenpaugh
(an individual)

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

Freeda D. Watenpaugh, 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, 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. 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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Appendix PSC-10100

Freeda D. Watenpaugh
(an individual)

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SECTION II. SERVICE AREA.

All points and places within the geographical area encompassing the United States Postal Zip Codes of:

96001, 96002, 96003, 96007, 96019, 96049, and 96099

SECTION III. ROUTE DESCRIPTION.

ON -CALL SERVICE

Commencing from any point or place located in the service area described in Section II, then over the most convenient streets and highways to any point or place in the same service area.

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