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Decision 96-03-008 March 13, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of Marin Ski Shuttle, dba Marin Ski )  
Tours, for authority to operate as a )  
passenger stage corporation between )  
points in Marin County and Sierra ski )  
resort areas in California. )

Application 95-12-024  
(Filed December 11, 1995)

**ORIGINAL**

O P I N I O N

The applicant is Brent Penzotti (applicant), an individual. Applicant requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as a passenger stage corporation to transport passengers between points in Marin County and ski resort areas in California.

Applicant, in his letter postmarked February 1, 1996, requested that the service be performed on-call between points in Marin County, on the one hand, and the ski resorts at Bear Valley and Kirkwood, Alpine County, Sierra Ski Ranch and Heavenly Valley, El Dorado County, Northstar, Squaw Valley, Alpine Meadows, Homewood, and Sugar Bowl, Placer County.

Applicant proposes to perform on-call service a minimum of one round-trip per week. Applicant plans to use a seven-passenger van. The proposed fare is \$125 including lodging, food, transportation between ski resorts, tips, and other miscellaneous costs. Applicant shall be placed on notice before the tariff is filed with the Commission that the document shall specifically indicate the transportation charges. The unaudited balance sheet as of November 30, 1995, attached as Exhibit "D" indicates total assets of \$12,040, total liabilities of \$10,145 and net worth of \$1,895.

Notice of filing of this application appeared in the Commission's Daily Calendar on December 14, 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 a passenger stage corporation to transport passengers on-call between points in Marin County, on the one hand, and the ski resorts at Bear Valley and Kirkwood, Alpine County, Sierra Ski Ranch and Heavenly Valley, El Dorado County, Northstar, Squaw Valley, Alpine Meadows, Homewood, and Sugar Bowl, Placer County.

2. Public convenience and necessity require the issuance of a certificate to perform the proposed service to transport persons for skiing trips only.

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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Brent Penzotti (applicant), an individual, 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 routes set forth in Appendix PSC-10227, subject to the conditions contained in the following paragraphs.

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 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 (CHP) safety rules.
- e. Comply with controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.

- g. Remit to the Commission the Transportation Reimbursement Fee required by PU S 403 when notified by mail to do so.
- h. 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 his 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.

6. Application 95-12-024 is closed.

This order is effective today.

Dated March 13, 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-10227

Brent Penzotti  
(an individual)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-10227

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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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Issued under authority of Decision 96-03-008, dated March 13,  
1996, of the Public Utilities Commission of the State of  
California in Application 95-12-024.

T/MM

Appendix PSC-10227

Brent Penzotti  
(an individual)

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Issued by California Public Utilities Commission.

Decision 96-03-008, Application 95-12-024.

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

Brent Penzotti, 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 a skiing excursion between points and places, as described in Section IIA, on the one hand, and points and places, as described in Section IIB, on the other hand, over and along the route as described in Section III, subject, however, to the authority of this Commission to change or modify the route or service areas 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.
- d. Transportation shall be available only to passengers who are on a skiing excursion whose point of origin or destination is described in Section IIA.

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SECTION II. SERVICE AREA.

A. Ski Areas:

Bear Valley and Kirkwood, Alpine County  
Sierra Ski Ranch, and Heavenly Valley,  
El Dorado County  
Northstar, Squaw Valley, Alpine Meadows,  
Homewood, and Sugar Bowl, Placer County.

B. Marin County.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point or place, as described in  
Section IIA, then proceeding along the most appropriate streets  
and highways to any point or place, as described in Section IIB.

Issued by California Public Utilities Commission.

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