

APR 10 1996

Decision 96-04-006 April 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARK CLYDE FRIEDMAN )  
 AND KDZNM, INC. for transfer of )  
 Passenger Stage Authority PSC 9973 )  
 pursuant to Section 851 and 854 of )  
 the Public Utilities Code. )

**ORIGINAL**  
 Application 95-12-084  
 (Filed December 22, 1995)

OPINION

Mark Clyde Friedman dba Kids in Motion (Transferor), seeks authority to incorporate his passenger stage business, by transferring his certificate to operate a passenger stage (PSC-9973), which authorizes operations between all points within several Zip Codes in San Diego. KDZNM, INC. (transferee), will also receive all physical assets. No change in management or operations is planned. Transferor will own all shares of stock.

Transferor was granted an interim authority for a period of not more than two years by Decision (D.) 95-09-047 issued on September 7, 1995. This interim authority shall expire on or before September 7, 1997. This decision discussed the transportation of children and the conditions under which transferor is authorized to operate as a passenger stage corporation. The conditions and the certificate of public convenience shall be transferred to the transferee.

Notice of filing of the application appeared in the Commission's Calendar. There have been no protests to the application.

Findings of Fact

1. Transferee has the ability, equipment, and financial resources to perform the proposed passenger stage service between all points specified in transferor's certificate.
2. The transfer is not adverse to the public interest.
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.
6. Transferee shall be subject to the same conditions set forth in D.95-09-047.
7. The transferee's authority shall expire on or before September 7, 1997.

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.

O R D E R

IT IS ORDERED that:

1. By June 1, 1996, Mark Clyde Friedman (transferor), an individual may sell and transfer the operative rights specified in the application to KDZNMO, INC. (transferee), a corporation.
2. Transferee shall:
  - a. File a written acceptance with the Safety and Enforcement Division of the certificate and a copy of the bill of sale or other transfer document within 30 days after the transfer.
  - b. Amend or reissue transferors' 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 (CHP) safety rules.
- d. Comply with controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- g. Transferee shall comply with PU Code § 460.7 and 1043, relating to the Workers' Compensation laws of this state.

3. If the sale is completed on the effective date of the tariff, a certificate of public convenience and necessity (CPCN) is granted to transferee, 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-10229, to transport persons and their baggage.

4. The CPCN granted by Decision (D.) 95-09-047 is revoked on the effective date of the tariffs filed by the transferor.

5. The transferee shall comply to all the conditions set forth in D.95-09-047, excepting for any conditions that are duplicated or superceded herein.

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

7. Transferee is authorized to begin operations on the date that the Executive Director mails a notice to transferee that its evidence of insurance is on file with the Commission and that the CHP has approved the use of transferee's vehicles for service.

8. The CPCN is granted on an interim basis, and shall expire no later than September 7, 1997.

This order is effective today.

Dated April 10, 1996, at Sacramento, California.

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