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Decision 96-11-053 November 26, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Your Daddy Corporation, for certificate of public convenience and necessity to operate as a passenger stage corporation between L.A. International airport and Hotels, Restaurants, Bars, Theaters, Famous sightseeing places in Los Angeles and Orange County area.

Application 96-08-024 (Filed August 9, 1996)

ORIGINAL

The application requires a certificate of public convenience and necessity to be issued to the applicant to be in the act of operating as a charter-party carrier providing transportation service to its customers. The proposed fare is reasonable. U.S. Postal Zip Code 90014. The proposed fare is reasonable.

OPINION

Your Daddy Corporation (applicant) a corporation, requests authority pursuant to Public Utilities (PU) Code § 1031, et seq., to establish and operate as a passenger stage corporation to transport passengers and their baggage between Los Angeles International Airport (LAX), on the one hand, and the hotels, restaurants, bars, theaters, famous sightseeing places, located in the Counties of Los Angeles and Orange, on the other hand.

Applicant is a travel agent who facilitates for its customers travelling between points in the Asian countries and the United States. In this application, the proposed service is requested by the applicant as an extension of its service for its customers. The applicant proposed to provide free transportation service, that is, no individual fares will be assessed or collected from its customers. The Rail Safety/Carriers Division (staff) placed the applicant on notice in its letter of August 22, that any transportation offered by the applicant, as originally specified in

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the application requires a charter-party authority from this Board Commission. In this instance any "free" transportation offered by the applicant to its customers would be deemed to be in the act of operating as a charter-party carrier under PU Code § 5384(a) whose transportation service is incidental to its business. After a series of letters and telephone conversations with the staff, applicant proposed, as evidenced by its letters of August 15 and 30, 1996, to charge a fare of \$10 per person between LAX and the downtown hotels in Los Angeles. These hotels are located within the geographic area of U.S. Postal Zip Code 90017. The proposed fare is reasonable. Applicant said it will not provide any charter transportation to any point or place or for sightseeing in California.

Applicant proposes to perform the passenger stage service on an on-call basis utilizing a limousine.

Exhibit B, attached to the application, is a copy of its Schedule L, Internal Revenue Form 1120, filed in 1995, that indicates total assets in the amount of \$2,253; common stock of \$5,000, (XAI) unappropriated retained earnings of \$2,747, and stockholders equity of \$2,253.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 13, 1996. No protest has been received. The applicant notified LAX and the affected cities and governmental entities. The Rail Safety/Carriers Division recommends that the application be granted.

**Findings of Fact**

Applicant requests authority, as amended by its letters dated August 15 and 30, 1996, to establish and operate as a passenger transportation as originally specified in

stage corporation on an on-call basis to transport passengers and their baggage between LAX and the hotels in downtown Los Angeles, located within the geographic area of U.S. Postal Zip Code 90017.

2. Public convenience and necessity require the issuance of a certificate to perform the proposed service.

3. Applicant was placed on notice by the Commission staff by its letter dated August 22 that any transportation service as originally requested in the application requires charter-party authority from this Commission.

4. No protests to the application have been filed.

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. A public hearing is not necessary.

2. Public convenience and necessity have been demonstrated and the application should be granted, subject to staff approval of the rules and regulations governing the fares and as set forth in the following order.

3. 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.

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

**ORDER**

IT IS ORDERED that the geographic area located within the geographic area...

1. A certificate of public convenience and necessity is granted to Your Daddy Corporation (applicant), a corporation, authorizing it 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-10620 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 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. Comply with the 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 § 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 its 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, as amended by applicant's letters dated August 15 and 30, is granted as set forth above.

6. This application is closed.

This order is effective today.

Dated November 26, 1996, at San Francisco, California.

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

Commissioner Henry M. Duque, being necessarily absent, did not participate.

T/MM

Appendix PSC-10620

Your Daddy Corporation  
(a corporation)

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-10620

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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 96-11-053, dated November 26, 1996,  
of the Public Utilities Commission of the State of California in  
Application 96-08-024.

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Issued by California Public Utilities Commission.

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

Your Daddy Corporation, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an on-call basis, between the points described in Section II, and the Los Angeles International Airport (LAX), 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 at LAX.
- 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 AREA.**

Any hotels in downtown Los Angeles located within the geographic area of the U.S. Postal Zip Code 90017.

**SECTION III. ROUTE DESCRIPTION.**

Commencing from any point or place, as described in Section II, then over the most convenient streets and highways to LAX.

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