

Decision 97-04-074 April 23, 1997

APR 23 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Thomas Griffith, Jr., Mary M.)
 Griffith, Thomas Griffith, and)
 Daniel Griffith, a family partnership,)
 dba Valley Airporter, for a)
 certificate of public convenience and)
 necessity to operate as a passenger)
 stage to provide an airporter service)
 from certain locations in Riverside)
 County into Ontario International)
 Airport.)

ORIGINAL

Application 97-02-008
(Filed February 7, 1997)

O P I N I O N

Thomas Griffith, Jr., Mary M. Griffith, Thomas Griffith, and Daniel Griffith, a family partnership, (applicant), dba Valley Airporter, 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 communities or cities of Temecula, Sun City, Hemet, and Moreno Valley, on the one hand, and Ontario International Airport (ONT), on the other hand.

Applicant proposes to perform a scheduled service commencing at 3:00 a.m. from Temecula and then to Sun City, Hemet, Moreno Valley and arriving at ONT at 5:00 a.m. Applicant intends to provide four trips in each direction every three hours on the hour. The proposed one-way adult fares are \$29 between ONT and Temecula, Sun City, and Hemet and \$13 between ONT and Moreno Valley. Applicant proposes to offer discount fares to seniors and children. The fares are reasonable. The Balance Sheet, attached to the application, indicates total assets of \$885,800, total

liabilities in the amount of \$393,900 and capital in the amount of \$491,900.

Applicant was authorized by Decision (D.) 95-09-004 to operate as a scheduled passenger stage carrier between points in Los Banos and San Jose and Santa Clara transporting commute workers from their homes to their job locations. Applicant revealed that when the authority was granted the scene for commute riders dramatically changed as many of the employers relocated its business operations to another region and changed the work schedules of its employees. Applicant said that "...Serendipity (Serendipity Land Yachts, Ltd.) essentially ceasing all their operations and Griffiths (applicant) not starting." The authority granted by D.95-09-004 has not been exercised. Applicant did not file with the Commission any documents, as required by the decision, that include tariffs, timetables, and proof of insurance. These documents were due by January 5, 1996. Applicant has not requested for an extension of time to comply to these requirements. This decision should be rescinded.

Notice of filing of the application appeared in the Commission's Daily Calendar of February 11, 1997. No protest has been received. The applicant notified the affected cities, governmental entities, and ONT. The Rail Safety and Carrier's Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority to establish and operate as a scheduled passenger stage corporation, seven days a week, to transport passengers and their baggage between points in the cities or communities of Temecula, Sun City, Hemet, and Moreno Valley, on the one hand, and ONT, on the other hand.

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

3. Applicant has not exercised its previous authority granted by D.95-09-004.

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.

3. The authority granted to applicant in D.95-09-004 should be rescinded.

4. 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 Thomas Griffith, Jr., Mary M. Griffith, Thomas Griffith, and Daniel Griffith, a family partnership, (applicant), dba Valley Airporter, 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-9681 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. Decision 95-09-004 is rescinded.

6. The application is granted as set forth above.

7. This application is closed.

This order is effective today.

Dated April 23, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners

Appendix PSC-9681

Thomas Griffith, Jr.,
Mary M. Griffith, Thomas Griffith,
and Daniel Griffith
(a partnership)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-9681

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 97-04-074,
dated April 23, 1997, of the Public Utilities Commission of the
State of California in Application 97-02-008.

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Appendix PSC-9681

Thomas Griffith, Jr.,
Mary M. Griffith, Thomas Griffith,
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Issued by California Public Utilities Commission.

Decision 97-04-074, Application 97-02-008.

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

Thomas Griffith, Jr., Mary M. Griffith, Thomas Griffith, and Daniel Griffith, a partnership, 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 scheduled service, between points and over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the routes 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. Service shall be operated on a scheduled basis. Such schedules shall be the timetable filed with the Commission. All of the stop points shall be described in the timetable filed with the Commission.
- c. No passengers shall be transported except those having either a point of origin or destination at Ontario International Airport.
- 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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Appendix PSC-9681

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SECTION II. ROUTE DESCRIPTIONS.

SCHEDULED SERVICE

Temecula - Ontario International Airport

Commencing from any point in the City of Temecula, then over the most convenient streets, expressways, and highways to points in the cities of Sun City, Hemet, Moreno Valley and to Ontario International Airport.

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