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Decision 97-05-062 May 21, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
Black Tie Transportation, Inc. dba
Black Tie Airport Express to establish a
Zone of Rate Freedom (ZORF) for its
airport passenger fares between its
authorized service areas in Contra Costa
and Alameda counties, to and from the
Oakland and San Francisco Airports.

ORIGINAL

Application 97-01-047
(Filed January 28, 1997)

OPINION

Applicant, William S. Wheeler and Jennifer L. Wheeler, a partnership doing business as Black Tie Airport Express, is authorized to operate as a scheduled passenger stage corporation (PSC-4389) by Decision (D.) 94-07-055, as amended by D.94-12-036, between certain hotels in the cities or communities of Concord, Walnut Creek, Lafayette, and Orinda Village, Orinda, on the one hand, and San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand.

Applicant's fares have remained constant since the Commission first granted it operating authority. The one-way adults fares shown in its tariff presently filed with the Commission are \$20 and \$25 between its service points, on the one hand, and OAK and SFO, respectively, on the other hand. These fares became effective on August 1, 1994 and February 1, 1995, respectively, and were published in its Local Passenger Tariff No. 1.

Applicant requests authority pursuant to Public Utilities (PU) Code § 454.2, to establish a Zone of Rate Freedom (ZORF) of \$9 above and below its present fare of \$20, between its service points and OAK, and a ZORF of \$9 above and \$11 below its present fare of \$25 between its service points and SFO. Applicant may adopt rules for the purpose of structuring fares for a group or parties and children that are equal to or less than the one-way adult fare published with the Commission.

The Rail Safety and Carriers Division staff is of the opinion that establishment of the requested ZORFs is fair and reasonable.

Applicant competes with other passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 5, 1997. No protest has been received. The applicant notified SFO and OAK.

The Rail Safety and Carriers Division recommends that the application be granted.

Findings of Fact

1. Applicant is authorized to operate as a passenger stage corporation (PSC-4389) on a scheduled service between certain hotels in the cities or communities of Concord, Walnut Creek, Lafayette, and Orinda Village, Orinda, on the one hand, and SFO and OAK, on the other hand.

2. Applicant requests authority to establish a ZORF of \$9 above and below its present fare between its authorized service points and OAK, and \$9 above and \$11 below its present fare between its service points and SFO. The ZORFs are fair and reasonable.

3. Applicant competes with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.

4. No protests to the application have been filed.

Conclusions of Law

1. The application for the ZORFs should be granted.

2. Before applicant changes fares under the ZORFs authorized below, applicant should give this Commission 10 days' notice.

3. The filing of ZORF fares should be accompanied by a tariff amendment showing between each service point the high and low ends of the ZORF and the then currently effective fare.

4. In order to make the proposed fare changes available as soon as possible, the following order should be effective on the date of this decision.

O R D E R

IT IS ORDERED that:

1. William S. Wheeler and Jennifer L. Wheeler (applicant), a partnership doing business as Black Tie Airport Express, is authorized under Public Utilities (PU) Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$9 below and above its presently authorized fare of \$20 between its authorized service points and Oakland International Airport, and a ZORF of \$9 above and \$11 below its presently authorized fare of \$25 between its service points and San Francisco International Airport.

2. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public and subject to Commission approval. The ZORFs shall expire unless exercised within 60 days after the effective date of this order.

3. Applicant may make changes within the ZORFs by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each service points the authorized maximum and minimum fares and the fare to be charged.

4. In addition to posting and filing tariffs, applicant shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be

posted at least five days before the effective date of the fare changes and shall remain posted for at least 30 days.

5. The application is granted as set forth above.

This proceeding is closed.

This order is effective today.

Dated May 21, 1997, at Sacramento, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners