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Decision 97-05-066 May 21, 1997

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SFO Airporter, Inc., for authority to establish a Zone of Rate Freedom for passenger stage corporation service authorized under PSC-37.

ORIGINAL
Application 96-12-015
(Filed December 9, 1996)

O P I N I O N

SFO Airporter, Inc. (applicant), a corporation, is authorized to operate as a passenger stage corporation (PSC-37) by Decision (D.) 90-03-077 and D.95-06-014. Applicant is authorized to operate on a scheduled service and an on-call basis between: (1) the Cities of San Francisco and Berkeley, on the one hand, and San Francisco International Airport (SFO), on the other hand; (2) the Cities of Berkeley, Oakland, Alameda, Oakland Army Base, on the one hand, and Oakland International Airport (OAK), on the other hand; (3) certain hotels in the City of Santa Clara and San Jose International Airport (SJC); and (4) certain hotels in the Cities of Burlingame, Millbrae, South San Francisco, on the one hand, and the City of San Francisco, on the other hand.

Applicant was authorized to establish a Zone of Rate Freedom (ZORF) by D.88-12-073, which was re-established by D.90-07-037, and D.93-09-034. Its ZORF fares became effective on March 1, 1989, October 22, 1990, and November 1, 1993, respectively, and were published in its Local Passenger Tariff No. 1.

Applicant requests authority pursuant to Public Utilities Code § 454.2 to re-establish a ZORF of \$8 above and below its present filed tariff with the Commission, with a minimum charge of \$4 for each one-way fare and \$8 for round-trip fares. Applicant also requests to establish a ZORF of \$2 above and below its current commute fare of \$1.75. Applicant shall not offer a fare of \$0 or less. The minimum commute fare under ZORF would be \$1. Applicant has proposed fares of \$9 from San Francisco to SFO and \$10 from SFO to San Francisco. In its letter of February 11, 1997, applicant

agreed that the fare structure between these two points is unjustifiable and agreed that the same fare in either direction is applicable.

The Rail Safety and Carriers Division staff is of the opinion that the establishment of the ZORFs of \$8 and \$2 for the commute fare, are 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 December 12, 1996. No protest has been received. The applicant notified SFO, SJC 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-37) on a scheduled service and an on-call basis between: (1) the Cities of San Francisco and Berkeley, on the one hand, and SFO, on the other hand; (2) the Cities of Berkeley, Oakland, Alameda, Oakland Army Base, on the one hand, and OAK, on the other hand; (3) certain hotels in the City of Santa Clara and SJC; and (4) certain hotels in the Cities of Burlingame, Millbrae, South San Francisco, on the one hand, and the City of San Francisco, on the other hand.

2. Applicant requests authority to re-establish a ZORF of \$8 above and below its present fare filed with the Commission but not less than a minimum fare of \$4 one-way and \$8 round-trip and establish a ZORF of \$2 above and below its present commute fare filed with the Commission but not less than a minimum fare of \$1. The ZORFs are fair and reasonable.

3. Any fare, rule, or regulation of the applicant, between two points, should be applicable in either direction.

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

5. No protests to the application have been filed.

Conclusions of Law

1. The application for a ZORF should be granted.
2. Before applicant changes fares under the ZORF authorized below, applicant should give this Commission ten 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. Any fare, rule, or regulation is applicable, between two points, in either direction.
5. 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. SFO Airporter, Inc., a corporation, (applicant), is authorized under Public Utilities Code § 454.2 to re-establish a Zone of Rate Freedom (ZORF) fares between \$8 below and above its present authorized fares but not less than a minimum fare of \$4 one-way and \$8 round-trip and establish a ZORF of \$2 above and below its the present authorized commute fare but not less than a minimum fare of \$1.
2. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public and subject to Commission approval. The ZORF shall expire unless exercised within 60 days after the effective date of this order.
3. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten 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.

6. 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