

ALJ/KLK/wav

Decision 97-05-076 May 21, 1997

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Anthony T. and Delores E. Montana, doing business as Door-to-Door Airporter, to transfer a Certificate of Public Convenience and Necessity to Ross A. and Irene F. Vitalie to do business as Door-to-Door Airporter, pursuant to Section 851 through 854 of the California Public Utilities Code.

ORIGINAL

Application 97-02-044
(Filed February 13, 1997)

O P I N I O N

Anthony T. Montana and Delores E. Montana, doing business as Door-to-Door Airporter (transferor), requests authority to sell their passenger stage certificate (PSC-9044), pursuant to Public Utilities Code § 851 et seq., to Ross A. and Irene F. Vitalie, husband and wife (transferee). In a letter, dated April 19, 1995, transferee requested that the sought authority would be operated as husband and wife.

Transferor is authorized to operate as an on-call passenger stage corporation to transport persons and their baggage between points within the communities of Eureka, Arcata, and McKinleyville, on the one hand, and Eureka-Arcata Airport, on the other hand, granted by Decision (D.) 94-04-061, dated April 20, 1994.

The principals of the transferor request authority to transfer the passenger stage business to transferee because they are engaged in another occupation on a full time basis and are not able to devote full attention to operate the passenger stage service. Much of the work is currently performed by paid employees that has decreased the profits. The parties in this application anticipate the transferee will concentrate on this business on a full time basis to increase revenues and reduce the debt. According to the Sales Agreement, attached as Exhibit E to the application, transferor is selling the business for \$25,000 to transferee. Prior to the sale, transferee will pay a down payment of \$2,500 to the transferor. The balance of the amount of \$22,500, will be financed by the

transferor on a 6-year note at the interest rate of 10%. Payment will be due on the 1st of each month and administered by the transferor's bank.

As of January 15, 1997, the Balance Sheet of the transferee shows total assets in the amount of \$213,767, liabilities totaling in the amount of \$79,000, and net worth of \$134,767.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 10, 1997. The transferee notified the affected communities, governmental entities and the airport. No protest has been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted.

Findings of Fact

1. Transferor is operating as a passenger stage corporation pursuant to a certificate of public convenience and necessity described in PSC-9044 of D.94-04-061.
2. Transferor proposes to sell its certificate to transferee.
3. No protests to the application have been filed.
4. The proposed sale will not be adverse to the public interest.

Conclusions of Law

1. The proposed sale is in the public interest and should be authorized. A public hearing is not necessary.
2. Since transferee is employed by the transferor and the application is noncontroversial, the order should be made 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. By July 1, 1997, Anthony T. Montana and Delores E. Montana (transferor), may sell the operative rights specified in the application to Ross A. Vitalie and Irene F. Vitalie, husband and wife (transferee).

2. Transferee shall:

- a. File a written acceptance of the certificate.
- 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 safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.

3. If the sale is completed, a certificate of public convenience and necessity is granted to transferee, authorizing them 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-10974, to transport persons and their baggage on the effective date of the tariff.

4. The certificate of public convenience and necessity granted by Decision 94-04-061 is revoked on the effective date of the tariffs filed by the transferor.

5. 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.

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

7. Transferee shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

8. The application is granted as set forth above.

A.97-02-014 ALJ/KLK/wav *

9. 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

T/MM
Appendix PSC-10974

Ross A. Vitalie
and Irene F. Vitalie
(husband and wife)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10974

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 97-05-076, dated May 21, 1997,
of the Public Utilities Commission of the State of California in
Application 97-02-044.

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Issued by California Public Utilities Commission.

Decision 97-05-076, Application 97-02-044.

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

Ross A. Vitalie and Irene F. Vitalie, husband and wife, 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 an "on-call" basis, between the cities and communities, as described in Section II, and the Eureka-Arcata Airport, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When route description is 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 a point of origin or destination at Eureka-Arcata 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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SECTION II. SERVICE AREA.

Includes all points within the communities of Eureka, Arcata, and McKinleyville, located in Humboldt County.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section II, then over the most convenient streets, expressways, and highways to the Eureka-Arcata Airport.

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