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Decision 97-08-001 August 1, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of William S. Wheeler and Jennifer L. Wheeler, doing business as Black Tie Airport Express, for authority to extend passenger stage service between points in the Cities of the Counties of San Joaquin, Alameda, and Contra Costa and the Oakland and San Francisco International Airports.

ORIGINAL

Application 96-08-054
(Filed August 23, 1996)

And related matter.

Application 97-05-017
(Filed May 1, 1997)

O P I N I O N

William S. Wheeler and Jennifer L. Wheeler (applicant), a partnership, requests authority under Public Utilities ((PU) Code § 1031 et seq. to extend service as a passenger stage corporation to transport passengers between the cities of Dublin, Pleasanton, Livermore, San Ramon, Danville, Tracy, Manteca, on the one hand, and Oakland (OAK) and San Francisco (SFO) International Airports, on the other hand. Applicant is currently authorized to operate as a scheduled passenger stage corporation (PSC-4389) pursuant to Decision (D.) 94-07-055 and D.94-12-036 between certain hotels and shopping centers in the cities of Concord, Walnut Creek, Lafayette, and Orinda, on the one hand, and OAK and SFO, on the other hand.

These two applications are consolidated as the later filed application is an amendment to the earlier filed application. The later filed application was not properly identified as an amendment and therefore it was noticed and accepted as a separate pleading.

The proposed fares are described in Exhibit C, attached to these applications. Applicant will operate the proposed service with the following equipment;

six 36-passenger buses, two 21-seat passenger buses, and four 14-passenger vans. The proposed timetable indicates a scheduled service between 4:30 a.m. and 12:30 a.m. every 30 minutes during peak periods and every 60 minutes during nonpeak periods.

Notice of filing of the applications appeared in the Commission's Daily Calendar of August 28, 1996 and May 12, 1997. The applicant mailed a copy of these applications to OAK and SFO and notified all of the affected cities. No protest has been received. The Rail Safety and Carriers Division recommends that the applications be granted.

Findings of Fact

1. Applicant is currently authorized to operate an on-call passenger stage corporation pursuant to D.94-07-055 and D.94-12-036 between certain hotels and shopping centers in the cities of Concord, Walnut Creek, Lafayette, and Orinda, on the one hand, and OAK and SFO, on the other hand.

2. Applicant proposes to extend their scheduled service between the cities of Dublin, Pleasanton, Livermore, San Ramon, Danville, Tracy, Manteca, on the one hand, and OAK and SFO, on the other hand.

3. Public convenience and necessity require the proposed extension of service.

4. No protests to these applications has been filed.

5. A public hearing is not necessary.

6. 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. The applications should be granted.

2. Since the matter is uncontested, the decision should be effective on the date 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. The certificate of public convenience and necessity is granted to William S. Wheeler and Jennifer L. Wheeler (applicant), a partnership, 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-4389, of Decision 94-07-055, as amended, is further amended by adding Original Page 4.

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. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- g. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order 158.

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 applications are granted as set forth above.

6. The applications are closed.

This order is effective today.

Dated August 1, 1997, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

SECTION II. ROUTE DESCRIPTION (concluded).

*Route 3 - SFO - SAN JOAQUIN

Commencing from SFO, then proceeding along the most appropriate streets and highways to the cities of Danville, San Ramon, Pleasanton, Dublin, Livermore, Tracy, and Manteca.

*Route 4 - OAK - SAN JOAQUIN

Commencing from OAK, then proceeding along the most appropriate streets and highways to the cities of Danville, San Ramon, Pleasanton, Dublin, Livermore, Tracy, and Manteca.

Issued by California Public Utilities Commission.

*Revised by Decision 97-08-001, Applications 96-08-054 and 97-05-017.