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Decision 97-08-003 August 1, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Genaro E. Elizondo, an individual, dba Bay Area Connection Shuttle for certificate of public convenience and necessity to operate as a passenger stage company shuttle in certain points of cities of Solano, Contra Costa, Alameda, San Francisco Counties to the Oakland International Airport and San Francisco International Airport.

Application 97-04-038
(Filed April 10, 1997)

O P I N I O N

Genaro E. Elizondo (applicant), an individual, requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as a scheduled passenger stage corporation to transport passengers and their baggage between points in the Counties of Solano, Contra Costa, Alameda, and San Francisco, on the one hand, and San Francisco and Oakland (OAK) International Airports, on the other hand.

Applicant is presently authorized to operate as a charter-party carrier under permit number TCP-8782-P. Presently applicant uses one seven-passenger van for his charter-party operation. In his letter of February 14, 1997, he proposes to add four vans for a total of five vans. The letter further stated that he would want to operate as an on-call carrier rather than as a scheduled carrier in a reduced service area. Applicant is of the opinion that as a scheduled carrier he may not maintain on time performance because of the traffic on Interstate 80 during the early morning and late afternoon. The reduced service territory will encompass between the Cities of Albany, Berkeley, Emeryville, and Oakland, in Alameda County, El Cerrito, Hercules, Pinole, Richmond and San Pablo, in Contra Costa County, on the one hand, and OAK, on the other hand.

The proposed one-way adult fares between OAK and the following cities are: (a) \$16, cities in Alameda County; (b) \$25, El Cerrito, Richmond, and San Pablo; (c) \$30, Pinole; and (d) \$35, Hercules. The fares are reasonable. The personal Balance Sheet,

attached to the application, labelled as Exhibit E-1, indicates total assets of \$60,251; total liabilities in the amount of \$40,800; and net worth in the amount of \$19,451.

Notice of filing of the application, appeared in the Commission's Daily Calendar of April 22, 1997. No protest has been received. The applicant notified OAK and the affected governmental entities. The Rail Safety and Carriers Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority to establish and operate an on-call passenger stage corporation to transport passengers and their baggage between the cities of Albany, Berkeley, Emeryville, Oakland, El Cerrito, Hercules, Pinole, Richmond and San Pablo, on the one hand, and OAK, on the other hand.

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

3. No protests to the application have been filed.

4. 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. 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 Genaro E. Elizondo (applicant), an individual, authorizing him 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-8782 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 Code § 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 his 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 application is granted as set forth above.

A.97-04-038 ALJ/KLK/wav

6. This application is 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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-8782

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 97-08-003, dated August 1,
1997, of the Public Utilities Commission of the State of
California in Application 97-04-038.

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Issued by California Public Utilities Commission.

Decision 97-08-003, Application 97-04-038.

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

Genaro E. Elizondo, an individual, 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 points and places as described in Section II, and Oakland International Airport (OAK), 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 OAK.
- 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.

The following cities located in the County of Alameda:

Albany Berkeley Emeryville Oakland

The following cities located in the County of Contra
Costa:

El Cerrito Hercules Pinole
Richmond San Pablo

SECTION III. ROUTE DESCRIPTION.

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

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