

Decision 97-09-004 September 3, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Laura P. and Jose F. Acevedo, doing business as Executive Lines, for authority to operate as an "on-call" passenger stage corporation between points within San Ysidro, Anaheim, and El Monte, California.

Application 97-05-029
(Filed May 15, 1997)

OPINION

Laura P. Acevedo and Jose F. Acevedo (applicant), husband and wife, requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as a passenger stage corporation to transport passengers and their baggage between points within the Cities of El Monte and Anaheim, on the one hand, and San Ysidro, on the other hand.

In their letter dated June 11, 1997, applicant indicated that this application is filed as husband and wife. Applicant proposes to operate an on-call passenger stage service with three 14-passenger vans and eventually purchase a 25-passenger bus to satisfy the demand. The proposed one-way adult fares between San Ysidro and El Monte and Anaheim are \$25 and \$15, respectively. The fares are reasonable. The unaudited Balance Sheet, attached to the letter, indicates total assets and net worth in the amount of \$96,587.00.

Notice of filing of the application appeared in the Commission's Daily Calendar of May 16, 1997. No protest has been received. The applicant notified the affected cities and 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 service as a passenger stage corporation to transport passengers and their baggage between San Ysidro, on the one hand, and El Monte and Anaheim, 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 this application is uncontested, 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Laura P. Acevedo and Jose F. Acevedo (applicant), husband and wife authorizing them 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-11128 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 ' 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. 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 their 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.

6. This application is closed.

This order is effective today.

Dated September 3, 1997, at San Francisco, California.

GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners

T/MM

Appendix PSC-11128

Laura P. Acevedo
and Jose F. Acevedo
(husband and wife)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11128

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 97-09-004,
dated September 3, 1997, of the Public Utilities Commission of the
State of California in Application 97-05-029.

T/MM

Appendix PSC-11128

Laura P. Acevedo
and José F. Acevedo
(husband and wife)

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Issued by California Public Utilities Commission.

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

Laura P. Acevedo and Jose F. Acevedo, husband and wife, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers on an on-call basis, between the points described in Section II, on the one hand, and the City of San Ysidro, on the other hand, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- a. When route descriptions are 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 in the City of San Ysidro.
- 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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Appendix PSC-11128

Laura P. Acevedo
and Jose F. Acevedo
(husband and wife)

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SECTION II. SERVICE AREA.

The cities of El Monte and Anaheim.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point or place located in the service area described in Section II, then over the most convenient streets and highways to the City of San Ysidro.

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