

Decision 97-10-009 October 9, 1997

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Shapiro, Dinerman and Kaplun, Inc., dba Bay Shuttle for authority to establish a Zone of Rate Freedom for passenger stage corporation service authorized under PSC-7855.

Application 97-07-027  
(Filed July 18, 1997)

**ORIGINAL**

**O P I N I O N**

Shapiro, Dinerman and Kaplun, Inc. (applicant), a corporation, requests authority to establish a Zone of Rate Freedom (ZORF) pursuant to Public Utilities (PU) Code § 454.2.

Applicant is authorized by Decision 94-10-054 to operate as an "on-call" passenger stage corporation (PSC-7855) between points in the Counties of San Francisco, Marin, Alameda, San Mateo, Santa Clara, and Contra Costa, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand.

Applicant requests authority to establish a ZORF of \$6 above and below its present adult one-way fares as published in its Local Passenger Tariff No.1, CA PUC 1. The present fares ranges between \$9 (Alviso-SJC) and \$67 (Pittsburg-SJC) and have been effective since November 14, 1994. The minimum one-way fare shall be not less than \$4 for any adult.

The staff is of the opinion that the establishment of the ZORF of \$6 is 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 July 25, 1997. No protest has been received. The applicant notified the affected airports and cities. The staff recommends that the application be granted.

**Findings of Fact**

1. Applicant is authorized to operate as an "on-call" passenger stage corporation (PSC-7855) between points in the Counties of San Francisco, Marin, Alameda, San Mateo, Santa Clara, and Contra Costa, on the one hand, and SFO, OAK, and SJC, on the other hand.
2. Applicant requests authority to establish a ZORF of \$6 above and below its present fares published in its Local Passenger Tariff No. 1, CA PUC 1, but the minimum fare one-way fare shall not be less than \$4 one-way. The ZORF is fair and reasonable.
3. Applicant competes with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.
4. 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 10 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. 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. Shapiro, Dinerman and Kaplun, Inc. (applicant), a corporation, is authorized under Public Utilities (PU) Code § 454.2 to establish a Zone of Rate Freedom (ZORF) fares of \$6 below and above its present authorized fares published in its Local Passenger Tariff No. 1. The minimum fare shall not be less than \$4 one-way.
2. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 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 10 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. Application 97-07-027 is closed.

This order is effective today.

Dated October 9, 1997, at San Francisco, California.

P. GREGORY CONLON  
President

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