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Decision 98-01-046 January 21, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Irving Stoller, an individual, for authority to operate an on-call, door-to-door, passenger stage service between points in Riverside and San Bernardino Counties, on the one hand, and Los Angeles International Airport (LAX) Ontario Airport (ONT), John Wayne Airport (SNA), Long Beach Airport (LGB), Burbank Airport (BUR), Palm Springs Airport (PSP), or Los Angeles and Long Beach Harbors, on the other hand, pursuant to Section 1031, et seq., of the California Public Utilities Code.

ORIGINAL

Application 97-09-021
(Filed September 16, 1997)

OPINION

Irving Stoller (applicant), an individual, requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as an on-call passenger stage corporation to transport passengers and their baggage between certain points in the Counties of San Bernardino and Riverside, on the one hand, and Los Angeles International (LAX), Burbank (BUR), Long Beach (LGB), Ontario International (ONT), John Wayne (SNA), and Palm Springs (PSP) Airports, Los Angeles and Long Beach Harbors (HBRS), on the other hand.

Applicant proposes to perform an on-call service, 24-hours per day, 7 days a week. Applicant proposes to operate with 5 seven-passenger vans. The proposed fares, between the requested service points, as shown in Exhibit A, attached to the application, are reasonable. The one-way adult fares ranges between \$12 - Palm Springs and PSP and \$110 - Coachella and HBRS. The Balance Sheet as of August 28, 1997, attached to the application as Exhibit C, shows total assets in the amount of \$515,000, total liabilities in the amount of \$110,000 and net worth in the amount of \$405,000.

Notice of filing of the application appeared in the Commission's Daily Calendar of September 18, 1997. No protest has been received. The applicant notified the

affected airports, 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 as an on-call passenger stage corporation to transport passengers and their baggage between the cities or communities as shown in Exhibit A, attached to the application, on the one hand, and LAX, BUR, LGB, ONT, SNA, and PSP Airports, and HBRB, 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Irving Stoller (applicant), an individual, authorizing him 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 route set forth in Appendix PSC-10886 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.
 - i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
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.
6. This application is closed.

This order is effective today.

Dated January 21, 1998, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

T/MM

Appendix PSC-10886

Irving Stoller
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10886

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 98-01-046, dated January 21, 1998, of the Public Utilities
Commission of the State of California in Application 97-09-021.

T/MM

Appendix PSC-10886

Irving Stoller
(an individual)

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Issued by California Public Utilities Commission.

Decision 98-01-046, Application 97-09-021.

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

Irving Stoller, 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 the points described in Section IIA, on the one hand, and Section IIB, 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 either a point of origin or destination as described in Section IIB.
- 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 AREAS.

A. The following points in the Counties of San Bernardino and Riverside:

| <u>Zip Code</u> | <u>City or Community</u> | <u>Zip Code</u> | <u>City or Community</u> |
|-----------------|--------------------------|-----------------|--------------------------|
| 92220 | Banning | 92223 | Beaumont |
| | Bermuda Dunes | 92234 | Cathedral City |
| 92236 | Coachella | 92240 | Desert Hot Springs |
| 92201 | Indio | 92253 | La Quinta |
| 92301 | La Quinta | 92260-61 | Palm Desert |
| 92262-63 | Palm Springs | 92270 | Rancho Mirage |
| 92374 | Redlands | 92276 | Thousand Palms |

- B. Burbank-Glendale-Pasadena Airport
 Los Angeles International Airport
 Long Beach Airport
 Ontario International Airport
 John Wayne Airport
 Palm Springs Airport
 Los Angeles Harbor
 Long Beach Harbor

SECTION III. ROUTE DESCRIPTION.

ON-CALL SERVICE

Commencing from any point or place, as described in Section IIA, then over the most convenient streets and highways to any point, as described in Section IIB.

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