

Decision 98-02-017 February 4, 1998

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of M & M Luxury Shuttle, Inc., for authority to establish a Zone of Rate Freedom for passenger stage corporation service authorized under PSC-7614.

ORIGINAL
Application 97-08-034
(Filed August 14, 1997)

O P I N I O N

Summary

M & M Luxury Shuttle, Inc. (applicant) requests authority to establish a Zone of Rate Freedom (ZORF) between its authorized service points pursuant to Public Utilities Code § 454.2.

Applicant is authorized by Decision 92-02-053, as amended, to operate as an "on-call" passenger stage corporation (PSC-7614) between points in the Counties of San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Solano, and Marin, 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 \$7 above and \$5 below its present adult one-way fares as published in its Local Passenger Tariff No.1, CA PUC 1. The minimum fare shall be not less than \$5 for any adult one-way fare.

The staff is of the opinion that the establishment of the ZORF of \$7 above and \$6 below its present adult one-way fares 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 August 21, 1997. No protest has been received. Applicant requested, in its letter of December 2, a waiver from the Commission's Rule of Practice and Procedure, Rules 21 and 24 (Commission Rules). These rules require each applicant, who files for an increase in fares, to notify each city and county clerks and attorneys in which it provides the

passenger stage service. Applicant has notified the three affected airports. The request for waiver from the preceding Commission Rules should be granted. Ordering Paragraphs 2, 3, and 4, shown on page 4 of this decision require the applicant to file its tariff with this Commission for fare changes and to notify the travelling public of such changes before it become effective. The notice of the fare changes will be posted in the passenger carrying vehicles and in the applicant's terminals. 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-7614) between points in the Counties of San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Solano, and Marin, on the one hand, and SFO, OAK, and SJC, on the other hand.

2. Applicant requests authority to establish a ZORF of \$7 above and \$5 below its present adult one-way fare, as published in its Local Passenger Tariff No. 1, CA PUC 1, and the minimum one-way adult fare shall not be less than \$5. The ZORF is fair and reasonable.

3. Applicant competes with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.

4. Applicant has requested a waiver from the Commission's Rules 21 and 24. Applicant notified the three affected airports. Applicant will be required to file its tariff with this Commission of any fare changes and to post notice in its passenger carrying vehicles and its terminals of such changes.

5. No protests to the application have been filed.

Conclusions of Law

1. The application for a ZORF of \$7 above and \$5 below its authorized fares as published and filed with this Commission should be granted. The minimum one-way adult fare shall not be less than \$5.

2. The applicant's request for a waiver from the Commission's Rules 21 and 24 should be granted

3. Before applicant changes fares under the ZORF authorized below, applicant should give this Commission ten days' notice.

4. 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.

5. 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. M & M Shuttle, Inc. (applicant), a corporation, is authorized under Public Utilities Code § 454.2 to establish a Zone of Rate Freedom (ZORF) fares of \$7 above and \$5 below its present authorized fares, published in its Local Passenger Tariff No. 1 and filed with this Commission. The minimum adult one-way fare shall not be less than \$5.

2. Applicant shall file a ZORF tariff in accordance with the application on not less than ten 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 ten 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.

A.97-08-034 ALJ/KLK/wav

6. Application 97-08-034 is closed.

This order is effective today.

Dated February 4, 1998, at San Francisco, California.

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