

ALJ/KLK/mrj

MAILED 7/2/98

Decision 98-07-018 July 2, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of: The Application of Cynthia Sanders, dba The Link Shuttle Service for authority to operate as a Passenger Stage between certain portions of San Diego on one hand, and certain portions of San Diego and San Diego airport.

Application 98-03-026
(Filed March 18, 1998)

ORIGINAL

O P I N I O N

Summary

Cynthia Sanders (applicant), an individual, doing business as The Link Shuttle Service, requests authority under Public Utilities (PU) Code § 1031 *et seq.* to establish and operate a passenger stage corporation to transport passengers and their baggage between certain points in San Diego County including San Diego International Airport (SAN).

Discussion

Applicant proposes to operate an on-call door-to-door passenger stage service 24 hours per day, seven days per week. The equipment for the proposed service will initially include four 1998 eight-passenger vans. These vehicles are presently utilized by the applicant under a licensing agreement with the San Diego Metro Transit Development Board. This service was originally created by applicant to transport students to popular areas in the City of San Diego. The goal was to lighten the stress of parking fees and the inconvenience of searching for a parking space, and to present students with a responsible alternative to drinking and driving. Applicant states that she is receiving many requests for transportation service from non-students beyond her present service area.

By letter dated April 8, 1998, applicant withdrew her proposal to serve SAN because of uncertainty about being able to obtain permission from SAN to operate there as a passenger stage corporation. Applicant is authorized to operate as a charter party carrier (TCP-11643) and will serve SAN in that capacity.

Exhibit C, attached to the application, is the unaudited Balance Sheet dated February 24, 1998 that discloses: cash on hand in the amount of \$10,000; savings in the amount of \$6,000; furniture in the amount of \$3,000; vehicles in the amount of \$2,000; or total assets in the amount of \$101,000. Liabilities consist of loans on vehicles in the amount of \$14,000, resulting in a net worth of \$87,000.

Applicant's proposed fares range between \$4 and \$45. The proposed fares are reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 30, 1998. The applicant notified the affected airports and cities. In Resolution ALJ 176-2989 dated March 26, 1998, the Commission preliminarily categorized this proceeding as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-2989. The Rail Safety and Carriers Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority, as amended by her letter of April 8, 1998, to operate an on-call passenger stage corporation between certain points in the County of San Diego.
2. Public convenience and necessity require the proposed service.
3. No protests to the application have been filed.
4. A public hearing is not necessary.

5. 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. The application should be granted.
2. Public convenience and necessity have been demonstrated and the application should be granted.
3. Since the matter is uncontested, the decision should be effective on the date it is signed.
4. 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 Cynthia Sanders (applicant), an individual, authorizing her 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 route set forth in Appendix PSC-11643 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 ten days' notice to the Commission; and make timetables and tariffs effective ten 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.
- 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 Rail Safety and Carriers Division mails a notice to applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of applicant's vehicles for service.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11643), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by applicant's letter of April 8, 1998, is granted as set forth above.

A.98-03-026 ALJ/KLK/mrj

7. This proceeding is closed.

This order is effective today.

Dated July 2, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

TMM

Appendix PSC-11643

Cynthia Sanders
(an individual)

Original Title Page

**CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11643**

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 98-07-018, dated July 2, 1998, of the Public Utilities
Commission of the State of California in Application 98-03-026.

INDEX

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. SERVICE AREA	3
SECTION III. ROUTE DESCRIPTION	3

Issued by California Public Utilities Commission.

Decision 98-07-018, Application 98-03-026.

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

Cynthia Sanders, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section II, 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, it applies 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 as described in Section II.
- 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.

Within the geographical limits of the following United States Postal Zip Codes in the County of San Diego.

San Diego County

91902	91910	91911	91932	91942	91945	91950	91977
91978	92007	92008	92009	92014	92019	92020	92021
92024	92025	92026	92027	92029	92031	92037	92040
92045	92054	92056	92064	92067	92069	92071	92075
92083	92093	92101	92102	92103	92104	92105	92106
92107	92108	92109	92110	92111	92114	92115	92117
92118	92119	92120	92121	92123	92124	92126	92127
92128	92129	92130	92131	92133	92135	92139	92145
92154	92161	92178					

SECTION III. ROUTE DESCRIPTION.

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

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