

Decision 98-07-019 July 2, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Michael G. Magner an individual, also doing business as Valle Vista Traveler for certificate of public convenience and necessity to operate as a passenger stage corporation between Ojai in Ventura County, on the one hand, and Los Angeles International Airport in Los Angeles County; and Burbank/Glendale/Pasadena Airport in Los Angeles County; and Santa Barbara Municipal Airport in Santa Barbara County.

ORIGINAL

Application 98-04-011
(Filed April 8, 1998)

O P I N I O N

Summary

Michael G. Magner (applicant), an individual, doing business as Valley Vista Traveler, 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 Ojai in Ventura County, on the one hand, and Santa Barbara Municipal (STB), Burbank-Glendale-Pasadena (BUR), and Los Angeles International (LAX) Airports, on the other hand.

Discussion

Applicant proposes to operate an on-call door-to-door passenger stage service 24 hours per day, seven days per week. He plans to utilize a 1997 six-passenger van to service Ojai, whose population is approximately 15,000.

Exhibit F, attached to the application, is the unaudited Balance Sheet as of March, 1998 that discloses the following: cash on hand, \$1,700; savings, \$30,000;

vehicle, \$7,500; mutual fund, \$7,300; or total assets in the amount of \$46,700. Liabilities consist of notes payable, \$12,500, resulting in a net worth of \$34,000.

Applicant's proposed fares range between \$70 (Ojai - STB) and \$110 (Ojai-LAX/BUR). The proposed fares are reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 13, 1998. The applicant notified the affected airports and cities. In Resolution ALJ 176-2991 dated April 23, 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 176-2991. The Rail Safety/Carriers Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority to operate an on-call passenger stage corporation between Ojai, on the one hand, and STB, BUR, and LAX, on the other hand.
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 Michael G. Magner (applicant), an individual, authorizing him 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-11803 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/Carriers Division mails a notice to applicant that his 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-11803), granted herein, expires, unless exercised within 120 days after the effective date of this order.
6. The application is granted as set forth above.
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

T/MM

Appendix PSC-11803

Michael G. Magner
(an individual)

Original Title Page

**CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11803**

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 98-07-019, dated July 2, 1998, of the Public Utilities Commission of the State of California in Application 98-04-011.

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Issued by California Public Utilities Commission.

Decision 98-07-019, Application 98-04-011.

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

Michael G. Magner, 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 IIA, and the airports described in Section IIB, 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, 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 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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Appendix PSC-11803

Michael G. Magner
(an individual)

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SECTION II. SERVICE AREA.

A. Ojai, Ventura County.

B. Los Angeles International Airport.
Burbank/Glendale/Pasadena Airport.
Santa Barbara Municipal Airport.

SECTION III. ROUTE DESCRIPTION.

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

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