

Decision 98-07-058 July 23, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Donald Schultz President/CEO
Sierra LifeStar, Inc. D.B.A. Protocol Chauffeured
Transportation for certificate of public
convenience and necessity to operate as a
"Passenger Stage Corporation" between
Tulare/Kings County and Fresno County.

Application 98-04-017
(Filed April 15, 1998)

O P I N I O N

Summary

Sierra LifeStar, Inc. (applicant), a corporation, doing business as Protocol Chauffeured Transportation, 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 the Counties of Tulare, Kings, and Fresno.

Discussion

In its letter of May 15, 1998, applicant clarified that it proposes to operate: (1) a scheduled service between Fresno Yosemite International Airport (FYI), on the one hand, and points in Tulare County, on the other hand, serving these points at 3-hour intervals commencing at 3 a.m. from Tulare and (2) on-call service between Tulare and Visalia, on the one hand, and the AMTRAK Train station in Hanford, on the other hand, and between Three Rivers and Visalia in Tulare County. The proposed stops for the scheduled service are: Tulare Transit Center in Tulare, Radisson Inn in Visalia, Holiday Inn in Visalia, and FYI in Fresno. The proposed adult fares for the scheduled service are \$22 one-way and \$36 round-trip. For the on-call service, applicant proposes to charge an adult fare

of \$16 one-way and round-trip fares of \$28 (Tulare/Visalia-AMTRAK) and \$24 (Visalia - Three Rivers). Applicant plans to utilize a 1996 seven-passenger van for the proposed service.

Attached to the application is a Balance Sheet prepared by an accounting firm that discloses the following: current assets, \$449,803; property and equipment, less depreciation, \$623,171; goodwill, \$238,021; total assets of \$1,310,995; current liabilities, \$124,014; long term liabilities, \$375,450; and stockholders' equity, \$811,531.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 16, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-2991 dated April 23, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-2991.

Findings of Fact

1. Applicant requests authority, as amended by its letter of May 15, 1998, to operate a scheduled service between FYI, on the one hand, and points in Tulare County, on the other hand, and on-call service between Tulare and Visalia, on the one hand, and AMTRAK, Hanford, on the other hand, and between Three Rivers and Visalia in Tulare County.
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.

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 Sierra LifeStar, Inc. (applicant), a corporation, authorizing it 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-11354 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 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 its 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-11354), 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 May 15, 1998, is granted as set forth above.

7. The issues presented in Application 98-04-017 are resolved.

A.98-04-017 ALJ/KLK/bwg

8. This proceeding is closed.

This order is effective today.

Dated July 23, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH I. NEEPER

Commissioners

T/MM

Appendix PSC-11354

Sierra LifeStar, Inc.
(a corporation)

Original Title Page

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

PSC-11354

**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 98-07-058, dated July 23, 1998, of the Public Utilities
Commission of the State of California in Application 98-04-017.**

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Issued by California Public Utilities Commission.

Decision 98-07-058, Application 98-04-017.

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

Sierra LifeStar, Inc., a corporation, 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 a scheduled service and 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 a 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. Scheduled service will be operated only at the designated service points listed in Sections IIB and IIC. Such schedules shall be the timetable filed with the Commission. All of the stop points shall be described in the timetable filed with the Commission.
- d. No passengers shall be transported except those having a point of origin or destination as described in Section II.
- e. 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.

The Cities of Tulare and Visalia.
The Community of Three Rivers.
AMTRAK Station, Hanford (AMTRAK).
Fresno Yosemite International Airport (FYI).

SECTION III. ROUTE DESCRIPTION.

Scheduled Service

Route A - Fresno-Yosemite International Airport

Commencing from the Cities of Tulare and Visalia, then over the most convenient streets, expressways, and highways to FYI.

On-Call Service

Route 1 - AMTRAK

Commencing from any point in the Cities of Tulare and Visalia, then over the most convenient streets, expressways, and highways to AMTRAK.

Route 2 - Three Rivers

Commencing from any point in the City of Visalia, then over the most convenient streets, expressways, and highways to the community of Three Rivers.

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