

Decision 98-08-026 August 6, 1998

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the application of Kevin Fonseca/Sharon Fonseca dba Friendship Transportation Service for authority as a Passenger Stage Corporation to perform scheduled service between Temecula and Centre San Diego; between Murrieta and Centre City San Diego; pursuant to the provisions of Section 1031 of Public Utilities Code.

**ORIGINAL**

Application 98-04-053  
(Filed April 27, 1998)

**OPINION**

**Summary**

Kevin Fonseca and Sharon Fonseca (applicant), husband and wife, doing business as Friendship Transportation Service, request authority under Public Utilities (PU) Code § 1031 *et seq.* to establish and operate a passenger stage corporation to transport passengers and their baggage between Temecula and Murrieta, on the one hand, and the City of San Diego, on the other hand.

**Discussion**

Applicant proposes to operate a scheduled commuter service Monday through Friday utilizing three (3) twenty-four passenger vehicles. Applicant will operate a minimum of one round-trip from each point. The initial schedule will have buses departing Temecula and Murrieta at 6 a.m. with the return trip leaving San Diego at 4 p.m. The proposed one-way fare is \$8. Applicant will also offer a ten-ride fare of \$70 and a monthly fare of \$250. To encourage ridership, applicant proposes to offer during the first 3-6 months of operations, a reduced

introductory or promotional fare up to a maximum of 25% less than the normal fare.

Applicant did not attach a financial statement to the application. Applicant explained in their letter of June 7, 1998, addressed to the staff of Rail Safety and Carriers Division, that they have invested \$5,000 and plan to invest an additional \$5,000 in the project. The applicant will receive \$40,000 from an investor and will obtain a \$50,000 loan from South East San Diego Development Corporation. The monies will be used for the following start-up operations: \$10,000 down payment for bus leases; \$10,000 deposit on insurance; \$7,500 for computer and software; \$2,500 deposit on building lease; and \$70,000 for operating capital. Exhibit 5, attached to the application, shows the projected profit and loss statement for the fiscal year September 1998 to August 1999. Applicant projects an income of \$324,000, expenses of \$264,927, and net profit of \$59,073.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 5, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-2992 dated May 7, 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 176-2992.

#### **Findings of Fact**

1. Applicant requests authority to operate a scheduled service to transport passengers between Temecula and Murrieta, on the one hand, and the City of San Diego, 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.

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 Kevin Fonseca and Sharon Fonseca (applicant), husband and wife, authorizing them 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-11765, 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 their 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-11765), 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 August 6, 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-11765

Kevin Fonseca and Sharon Fonseca  
(husband and wife)

Original Title Page

**CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-11765**

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and  
privileges.

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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.

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Issued under authority of Decision 98-08-026, dated August 6, 1998, of the Public  
Utilities Commission of the State of California in Application 98-04-053.

T/MM

Appendix PSC-11765

Kevin Fonseca and Sharon Fonseca  
(husband and wife)

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Issued by California Public Utilities Commission.

Decision 98-08-026, Application 98-04-053.

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

Kevin Fonseca and Sharon Fonseca, husband and wife, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport commuting passengers and their baggage on a scheduled service, 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. Scheduled service will be operated only at the designated service points listed in Section II. 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.
- 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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Appendix PSC-11765

Kevin Fonseca and Sharon Fonseca  
(husband and wife)

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**SECTION II. SERVICE AREAS.**

- A. The Cities of Temecula and Murrieta.
- B. The City of San Diego.

**SECTION III. ROUTE DESCRIPTION.**

**Scheduled Service**

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

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