

Decision 98-09-064 September 17, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Associated Limousine Operators of San Francisco, a California cooperative corporation, to transfer its certificate of public convenience and necessity and certain of its assets and liabilities to Associated Limousines, Inc., a California corporation. This request is made pursuant to Section 851 et seq. of the California Public Utilities Code.

ORIGINAL

Application 98-03-051
(Filed March 25, 1998)

OPINION

Summary

Application to transfer a passenger stage certificate from Associated Limousine Operators of San Francisco to Associated Limousines, Inc. granted.

Discussion

Associated Limousine Operators of San Francisco (Transferor), a California cooperative corporation, seeks to transfer its passenger stage corporation certificate of public convenience and necessity (PSC-1005) to Associated Limousines, Inc. (Transferee), a California corporation.

Transferor is authorized to transport persons on an on-call basis between points in the counties of Alameda, Contra Costa, Monterey, Napa, Santa Clara, San Mateo, San Francisco, and Solano. Transferor also held a charter-party authority which has now expired. The assets and liabilities to be transferred are listed in Exhibits A and B attached to the application.

Transferee is a newly formed corporation whose shareholders are member/shareholders of transferor. The transaction in this application is a reorganization of Transferor separating the passenger stage business from other

assets. Transferor will transfer all assets related to the passenger stage operation to Transferee. Transferee will transfer all its shares to Transferor, who will distribute them to its member/shareholders. Transferee will assume all of the obligations and tariffs of Transferor. Upon approval of the transfer Transferor will cease doing business as a passenger stage corporation.

Notice of the application appeared in the Commission's Daily Calendar of April 3, 1998. In Resolution ALJ 176-2990 dated April 9, 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 these developments, a public hearing is not necessary and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-2990.

Findings of Fact

1. Transferor holds a passenger stage certificate (PSC-1005) to operate on-call service within several counties in the San Francisco Bay area.
2. Transferee is a corporation whose shares are held by member/shareholders of Transferor.
3. Transferee was formed to take over the passenger stage operation of Transferor.
4. Transferor wishes to transfer, and Transferee wishes to obtain, all of the assets and liabilities of the passenger stage operation as well as PSC-1005.
5. Transferee will adopt all tariffs and obligations of Transferor.
6. Notice of the application was published in the Commission's Daily Calendar of April 3, 1998.
7. There have been no protests to the application.

Conclusions of Law

1. The proposed transfer of the operating authority to transferee has not been protested.
2. The proposed transfer is not adverse to the public interest.
3. A public hearing is not necessary.
4. The application should be approved.
5. Since the proposed transfer is noncontroversial the order approving the transfer should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. By October 1, 1998, Associated Limousine Operators of San Francisco (transferor), a California cooperative corporation, may sell the operative rights specified in the application to Associated Limousines, Inc. (transferee), a corporation.
2. Transferee shall:
 - a. File a written acceptance of the certificate.
 - b. Amend or reissue transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
 - c. Comply with General Order Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
 - d. Comply with the controlled substance and alcohol testing certification program pursuant to Public Utilities (PU) Code § 1032.1 and General Order Series 158.
 - e. Maintain accounting records in conformity with the Uniform System of Accounts.
 - f. Remit to the Commission the Transportation Reimbursement Fee required by PU § 403 when notified by mail to do so.

g. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this State.

h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. If the sale is completed, on the effective date of the tariff, a certificate of public convenience and necessity is granted to transferee, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-11737, to transport persons and their baggage.

4. The certificate of public convenience and necessity granted by Decision 86459, as amended, is revoked on the effective date of the tariffs filed by the transferor.

5. Before beginning service to any airport, transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

6. Transferee is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to transferee that its evidence of insurance is on file with the Commission and that the CHP has approved the use of transferee's vehicles for service.

7. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11737) granted herein, expires, unless exercised by October 1, 1998.

A.98-03-051 ALJ/SHL/tcg

8. The application is granted as set forth above.
9. This proceeding is closed.

This order is effective today.

Dated September 17, 1998, at San Francisco, California.

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11737

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.

Supersedes the authority heretofore granted to Associated Limousines, Inc., by D.86459, as amended.

Issued under authority of Decision 98-09-064,
dated September 17, 1998, of the Public Utilities Commission of the State of California in
Application 98-03-051.

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Issued by California Public Utilities Commission.

Decision 98-09-064, Application 98-03-051.

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

This certificate supersedes all passenger stage operative authorities granted to Associated Limousine Operators of San Francisco, a California cooperative corporation.

Associated Limousines, Inc., a California 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 an "on-call" basis, between points in Section IIA and Section IIB, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- a. When route descriptions are 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.
- e. Service shall be provided in luxury sedan limousines with a seating capacity of one driver and eight passengers.
- f. Service will be provided 24 hours per day, seven days per week, including Saturdays, Sundays, and holidays.

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