

Decision 98-12-009 December 3, 1998

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

In the Matter of the Application of Timothy James Smith, and Terrence Blaine Kirschman, partners, doing business as S.P.A.C.E. Shuttle, Inc. (Select Portage Airport Commuter Express) for authority to operate as a Passenger Stage Corporation, to and from the Sacramento, Oakland and San Francisco airports, between Pleasanton, Tracy, Manteca, Modesto, Stockton, and Lodi.

Application 98-08-029  
(Filed August 20, 1998)

**ORIGINAL**

**OPINION**

**Summary**

This decision grants the application of S.P.A.C.E. Shuttle, Inc. (applicant), for authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate a scheduled passenger stage corporation to transport passengers and their baggage between the International Airports of Sacramento (SMA), Oakland (OAK), and San Francisco (SFO), on the one hand, and certain cities in the San Joaquin Valley, on the other hand.

**Discussion**

Applicant amended its original application by letter received September 22, 1998 to exclude Modesto from its service area. Applicant also clarified in its letter that it is a corporation and not a partnership as indicated in the caption.

Applicant proposes to operate a scheduled service three times daily, seven days a week. The proposed routes are: (1) SMA, on the one hand, and Tracy, Manteca, Stockton, and Lodi, on the other hand; (2) OAK, on the one hand, and Stockton, Manteca, Tracy, and Livermore, on the other hand, and (3) SFO, on the

one hand, and Stockton, Manteca, Tracy, and Livermore, on the other hand. The proposed one-way adult fares between the preceding cities and SMA, OAK, and SFO are \$35, \$25, and \$30, respectively. Applicant plans to utilize three 16-passenger vans and two additional vans to cover for breakdowns and servicing. Additional vehicles will be included in the applicant's fleet approximately a year from commencement of its operations.

On September 18, 1998, Timothy Alan Wyman and Julia E. Wyman (Protestants) filed a protest to this application. Protestants said that they have purchased the business and operation of Reliable Airport Shuttle Service (Reliable). Reliable is authorized by Decision 95-06-049 to operate as a scheduled passenger stage corporation between Modesto and SFO. However, in their letter of October 22, 1998, Protestants withdrew their protest and a request for a hearing as the applicant amended its application to remove Modesto from its proposed service area.

Attached to the application is the unaudited Balance Sheet that discloses: current assets \$50,307; fixed assets \$76,650; or total assets of \$126,957; total liabilities, \$68,350; and net equity, \$58,607.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 25, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-2999, dated September 3, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. A protest was filed and subsequently withdrawn. 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 176-2999.

**Findings of Fact**

1. Applicant requests authority, as amended by letter received September 22, 1998, to operate a scheduled service between: (1) SMA, on the one hand, and Tracy, Manteca, Stockton, and Lodi, on the other hand; (2) OAK, on the one hand, and Stockton, Manteca, Tracy, and Livermore, on the other hand; and (3) SFO, on the one hand, and Stockton, Manteca, Tracy, and Livermore, on the other hand.
2. Public convenience and necessity require the proposed service.
3. A timely protest was filed. Protestants withdrew their protest and request for a hearing.
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 S.P.A.C.E. Shuttle, 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-12041 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-12041), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter received September 22, 1998, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated December 3, 1998, at San Francisco, California.

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

RSCD/MM

Appendix PSC-12041

S.P.A.C.E. Shuttle, Inc.  
(a corporation)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-12041

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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 98-12-009, dated December 3, 1998, of the Public  
Utilities Commission of the State of California in Application 98-08-029.

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

S.P.A.C.E. Shuttle, 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, between points and places, over and along the routes 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 operations in either direction unless otherwise indicated.
- b. Scheduled service will be operated only at the designated service area as described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable.
- 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. Routes 2 and 3 may be combined.

Issued by California Public Utilities Commission.

Decision 98-12-009, Application 98-08-029.

**SECTION II. SERVICE AREA.**

**A. Cities:**

1. Stockton.
2. Manteca.
3. Tracy.
4. Lodi.
5. Livermore.

**B. Airports:**

1. Oakland International Airport (OAK).
2. San Francisco International Airport (SFO).
3. Sacramento International Airport (SAC).

**SECTION III. ROUTE DESCRIPTIONS.**

**Route 1 - SAC**

Commencing from Tracy, then over the most convenient streets, expressways, and highways to Manteca, Stockton, Lodi, and to SAC.

**Route 2 - OAK**

Commencing from Stockton, then over the most convenient streets, expressways, and highways to Manteca, Tracy, Livermore, and to OAK.

**Route 3 - SFO**

Commencing from Stockton, then over the most convenient streets, expressways, and highways to Manteca, Tracy, Livermore, and to SFO.

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