

Decision 98-12-040 December 17, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Antonio Luna and Jeffrey Rhodes, dba Bay Area Shuttle, for authority to establish a Zone of Rate Freedom for Passenger Stage Corporation Service authorized under PSC-10812.

Application 98-08-037
(Filed August 20, 1998)

OPINION

Summary

Antonio Luna and Jeffrey Rhodes (applicants), a partnership, request authority to establish a Zone of Rate Freedom (ZORF) between their authorized service points pursuant to Public Utilities (PU) Code § 454.2.

Discussion

Applicants are authorized by Decision (D.) 97-05-083 to operate as a passenger stage corporation (PSC-10812) "on-call" between points in San Francisco and parts of the Counties of Alameda and Contra Costa, on the one hand, and San Francisco (SFO) and Oakland International Airports (OAK), on the other hand. Applicants are also authorized to provide scheduled service between certain hotels in the Cities of Oakland, Berkeley, and Emeryville and OAK.

Applicants request authority to establish a ZORF of \$10 above and below their present adult one-way fares as published in their Local Passenger Tariff No.1, CA PUC 1. The present fares range between \$10 (San Francisco-SFO) and \$59 (Livermore-SFO).

Applicants compete with other passenger stage corporations, taxi cabs, limousines, buses, public transit, and automobiles in their service area. The staff

is of the opinion that the establishment of the ZORF of \$10 above and below the present adult one-way fares is fair and reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 27, 1998. The applicants 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. 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 176-2999.

Findings of Fact

1. Applicants are authorized to operate as a passenger stage corporation (PSC-10812) "on-call" between points in the City of San Francisco, and parts of the Counties of Alameda and Contra Costa, on the one hand, and SFO and OAK, on the other hand. Applicants are also authorized to provide scheduled service between certain hotels in the Cities of Oakland, Berkeley, and Emeryville and OAK.
2. Applicants request authority to establish a ZORF of \$10 above and below their present adult one-way fares, as published in their Local Passenger Tariff No. 1, CA PUC 1. Establishment of the ZORF is fair and reasonable.
3. Applicants compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in their operations.
4. No protests to the application have been filed.
5. A public hearing is not necessary.

Conclusions of Law

1. The application for a ZORF of \$10 above and below applicants' authorized fares as published and filed with this Commission should be granted.
2. Before applicants change fares under the ZORF authorized below, applicant should give this Commission 10 days' notice.
3. The filing of ZORF fares should be accompanied by a tariff amendment showing the high and low ends of the ZORF between each service point and the then currently effective fare.
4. In order to make the proposed fare changes available as soon as possible, the following order should be effective on the date of this decision.

O R D E R

IT IS ORDERED that:

1. Antonio Luna and Jeffrey Rhodes (applicants), a partnership, are authorized under Public Utilities (PU) Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$10 below and above their present authorized adult one-way fare as published in their Local Passenger Tariff No. 1.
2. Applicants shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public, and subject to Commission approval. The ZORF shall expire unless exercised within 60 days after the effective date of this order.
3. Applicants may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each service points the authorized maximum and minimum fares and the fare to be charged.
4. In addition to posting and filing tariffs, applicants shall post notices explaining fare changes in their terminals and passenger-carrying vehicles. Such

A.98-08-037 ALJ/KLK/eap

notices shall be posted at least 5 days before the effective date of the fare changes and shall remain posted for at least 30 days.

5. The application is granted as set forth above.

6. This proceeding is closed.

This order is effective today.

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

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