

ALJ/KLK/naz

Decision 99-01-003 January 7, 1999

Mailed 1/7/99

**ORIGINAL**

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

Application of WY's Guides Tours for certificate of public convenience and necessity to operate as a passenger stage between Jamestown, Oakdale, Modesto, Manteca, Tracy; and San Francisco International Airport, Oakland International Airport.

Application 98-10-008  
(Filed October 6, 1998)

**OPINION**

**Summary**

This decision grants Timothy A. Wyman and Julia E. Wyman (applicants), a partnership, 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 Cities of Sonora, Jamestown, Oakdale, Modesto, Manteca, and Tracy, on the one hand, and the International Airports of Oakland (OAK), and San Francisco (SFO), on the other hand, and between Sonora and Modesto.

**Discussion**

Applicants clarified their proposed service by letter of November 10, 1998, to which was attached revised Exhibits B and C to the application. The scheduled service hours between Sonora and Modesto were changed to coordinate their service with Tuolumne County Transit.

Applicants propose to operate two scheduled services between: (1) Modesto, Manteca and Tracy, on the one hand, and OAK/SFO, on the other hand, three times daily, and (2) Sonora, Jamestown, and Oakdale, on the one hand, and Modesto, on the other hand, once each day.

The proposed one-way adult fares on the route between Modesto and SFO/OAK range from \$32 to \$45. The fare is \$12 for service between Sonora and Modesto. Applicants plan to utilize 3 fifteen-passenger and 1 seven-passenger vans.

Attached to the application is the unaudited Balance Sheet that discloses: current assets, \$22,844; fixed assets, \$425,975; or total assets of \$448,819. Liabilities total \$235,632, and net worth is \$213,187.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 8, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-3002, dated October 22, 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 176-3002.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

#### **Findings of Fact**

1. Applicants request authority, as amended by letter of November 10, 1998, to operate a scheduled service between the cities of: (a) Sonora, Jamestown, Oakdale, Modesto, Manteca, Tracy, on the one hand, and OAK and SFO, on the other hand, and (b) Sonora and Modesto, via Jamestown and Oakdale.
2. Public convenience and necessity require the proposed service.
3. No protest was 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.
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 Timothy A. Wyman and Julia B. Wyman (applicants), a partnership, 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-10631 subject to the conditions contained in the following paragraphs.
2. Applicants 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, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicants are authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to applicants 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 applicants' vehicles for service.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-10631), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter of November 10, 1998, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated January 7, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

INDEX

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS .....	2
SECTION II. SERVICE AREAS.....	3
SECTION III. ROUTE DESCRIPTIONS.....	3

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

Timothy A. Wyman and Julia E. Wyman, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, are 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 and Section II, Route 2.
- 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 1 and 2 may be combined.

**SECTION II. SERVICE AREA.**

**A. Cities:**

1. Sonora.
2. Jamestown.
3. Oakdale.
4. Modesto.
5. Manteca.
6. Tracy.

**B. Airports:**

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

**SECTION III. ROUTE DESCRIPTIONS.**

**Route 1 - OAK/SFO**

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

**Route 2 - Sonora/Modesto**

Commencing from Sonora, then over the most convenient streets, expressways, and highways to Jamestown, Oakdale, and to Modesto.