

Decision 99-03-048 March 18, 1999

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

Affordable Sedan and Van Service, Sue and Barry Pries, for a certificate of public convenience and necessity to establish and operate a passenger stage corporation to carry passengers from the TRI Valley area to the airports of San Jose, Oakland and San Francisco.

**ORIGINAL**

Application 99-01-002  
(Filed January 6, 1999)

**O P I N I O N**

**Summary**

This decision grants Sue and Barry Pries (applicants), wife and husband, doing business as Affordable Sedan and Van Service, under Public Utilities (Pub. Util.) Code § 1031 *et seq.*, a certificate of public convenience and necessity to operate as an on-call passenger stage corporation to transport passengers and their baggage between the cities of Pleasanton, Livermore, Dublin, and San Ramon, on the one hand, and the International Airports of Oakland (OAK), San Francisco (SFO), and San Jose (SJC), on the other hand.

**Discussion**

Applicants propose to operate an on-call airport shuttle service between the "Tri-Valley Area" on the one hand, and OAK, SFO, and SJC, on the other hand. In their letter of January 23, 1999, applicants clarified that the Tri-Valley Area should more specifically be described as the cities of Pleasanton, Livermore, Dublin, and San Ramon. The proposed fares between the preceding cities and OAK, SFO, and SJC, are \$59.95, \$69.95, and \$79.95, respectively.

The Balance Sheet discloses total assets and net worth in the amount of \$35,500.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 16, 1998. The applicant notified the affected airports, cities, and transit agencies.

In Resolution ALJ 176-3008 dated January 20, 1999, 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 176-3008.

#### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. 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 to operate as an on-call passenger stage corporation between the cities of Pleasanton, Livermore, Dublin, and San Ramon, on the one hand, and OAK, SFO, and SJC, on the other hand.
2. Public convenience and necessity requires 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. Public convenience and necessity have been demonstrated and the application should be granted.
2. 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 Sue Pries and Barry Pries (applicants), wife and husband, authorizing them to operate as a passenger stage corporation, as defined in Public Utilities (Pub. Util.) Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-12308 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 Pub. Util. § 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 Pub. Util. § 403 when notified by mail to do so.
- h. Comply with Pub. Util. 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. Applicant 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 the 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' vehicle for service.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12308), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter of January 23, 1999, is granted as set forth above.

A.99-01-002 ALJ/KLK/avs

7. This proceeding is closed.

This order is effective today.

Dated March 18, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

ALJ/KLK/avs

Appendix PSC-12308  
Page

Sue Pries and Barry Pries  
(wife and husband)

Original Title

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-12308

-----  
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.

-----  
Issued under authority of Decision 99-03-048, dated March 18, 1999, of the  
Public Utilities Commission of the State of California in Application 99-01-002.

INDEX

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

Issued by California Public Utilities Commission.

Decision 99-03-048, Application 99-01-002.

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

Sue Pries and Barry Pries, wife and husband, 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 and places as described in Section IIA, and the airports described in Section IIB, 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. 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.



**SECTION II. SERVICE AREA.**

- A. Within the city limits of Pleasanton, Livermore, Dublin, and San Ramon.
  
- B. San Francisco International Airport.  
Oakland International Airport.  
San Jose International Airport.

**SECTION III. ROUTE DESCRIPTION.**

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