

Decision 00-03-006 March 2, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Angelito N. David dba Babes Airporter to transfer his PSC-12008 certificate to Dennis A. Delosreyes and Richardo Vargas and to establish a zone of rate freedom.

Application 99-10-013
(Filed October 6, 1999)

OPINION

Summary

This decision grants the application of Angelito N. David (Transferor), an individual, to transfer his certificate of public convenience and necessity (CPCN) to operate as a passenger stage corporation (PSC), as defined in Public Utilities Code § 226, to Dennis A. Delosreyes and Richardo Vargas (Transferee), a partnership, pursuant to Public Utilities Code § 851 et seq.

Discussion

Transferor is authorized to operate as an on-call passenger stage corporation to transport persons and their baggage between points in Contra Costa, Alameda, San Mateo, and San Francisco Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. This authority was granted by Decision (D.) 99-02-010.

Exhibit A to the application is the "Business Sales Agreement" entered into by Transferor and Transferee. It describes the sale and transfer of the CPCN, equipment, license, and goodwill in exchange for payment of \$12,000 to the Transferor. In a letter dated December 2, 1999, Transferee's counsel submitted an

unaudited and undated Balance Sheet that discloses total assets of \$65,500, total liabilities of \$19,000, and net worth of \$46,500.

D.99-02-010 authorized Transferor to establish a ZORF of \$8 above and below any fare under \$21 and \$12 above and below any fare of \$21 and higher. Transferee seeks this same authority. The ZORF is published in Transferor's Local Passenger Tariff No. 1 (CA PUC NO. 1). Transferee will be authorized to adopt Transferor's tariff, including the authorized ZORF.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 20, 1999.

In Resolution ALJ 176-3025 dated October 21, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3025.

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

Findings of Fact

1. Transferor is operating as a passenger stage corporation pursuant to a certificate of public convenience and necessity described in Appendix PSC-12008 of D.99-02-010.
2. Transferor agreed to sell his PSC certificate 12008, equipment, licenses, and goodwill, to Transferee.
3. The proposed sale will not be adverse to the public interest.
4. Transferor has established a ZORF in his tariff.

5. The PSC authority and tariff will be transferred to Transferee.
6. No protests to the application have been filed.
7. A public hearing is not necessary.
8. 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 proposed sale is in the public interest and should be authorized. The application, as amended by letter of December 2, 1999, should be granted.
2. Transferee should be authorized to adopt Transferor's tariff, which includes the ZORF authorized by D.99-02-010.
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. Within 120 days from the effective date of this decision, Angelito N. David (Transferor), an individual, may transfer the operative rights specified in the application to Dennis A. Delosreyes and Richardo Vargas (Transferee), a partnership, subject to the conditions contained in the following paragraphs.
2. Transferee shall:
 - a. File a written acceptance of the transfer certificate within 30 days after this order is effective and a copy of the bill of sale.

- b. Adopt 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 Orders 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 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 Public Utilities Code § 403 when notified by mail to do so.
- g. Comply with Public Utilities 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 and transfer is completed, a certificate of public convenience and necessity is granted to Transferee, authorizing them to operate as a passenger stage corporation, as defined in Public Utilities Code § 226, between the points and over the routes set forth in Appendix PSC-13017, to transport persons and their baggage.

4. The certificate of public convenience and necessity granted to Transferor by Decision 99-02-010 is revoked on the date the Transferee is notified that they may commence operations as provided in Ordering Paragraph 6.

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 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 Transferee's vehicle for service.

7. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-13017), granted herein to Transferee, expires, unless exercised within 120 days after the effective date of this order.

8. The application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated March 2, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners

RSCD/mm

Appendix PSC-13017

Dennis A. Delosreyes
and Richardo Vargas
(a partnership)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-13017

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
Angelito N. David, an individual, by D.99-02-010.

Issued under authority of Decision 00-03-006, dated March 2, 2000, of the Public Utilities
Commission of the State of California in Application 99-10-013.

INDEX

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. SERVICE AREAS.....	3
SECTION III. ROUTE DESCRIPTION.....	3

Issued by California Public Utilities Commission.

Decision 00-03-006, Application 99-10-013.

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

This certificate supersedes all passenger stage operative authorities granted to Angelito N. David, an individual.

Dennis A. Delosreyes and Richardo Vargas, a partnership, 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 between points and places as described in Section IIA, and points and places 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.

Issued by California Public Utilities Commission.

Decision 00-03-006, Application 99-10-013.

SECTION II. SERVICE AREAS.

- A. All points within the geographical limits of Contra Costa, Alameda, San Mateo, and San Francisco Counties.

- 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 the points described in Section IIB.