

Decision 00-06-006 June 8, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Paradise Shuttle, for Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation. Operational routes include, but are not limited to: San Diego International Airport, residences of San Diego County including but not limited to the following cities of: Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista.

Application 99-06-029
(Filed June 17, 1999; amended
November 19, 1999)

O P I N I O N

Summary

Warren J. Starkey and Guadalupe G. Soto, d.b.a. Paradise Shuttle, are granted authority to operate a shuttle service between all points within San Diego County and Los Angeles International Airport, on the one hand, and San Diego International Airport, San Diego Cruise Ship Terminal, San Diego Amtrak Station, and San Diego Greyhound Bus Terminal, on the other hand.

Discussion

Warren J. Starkey and Guadalupe G. Soto, a partnership doing business as Paradise Shuttle (Applicant), seek a certificate of public convenience and necessity to operate a shuttle service between various places in southern California. Applicant currently serves San Diego County as a charter-party carrier (TCP-12615P).

The San Diego Unified Port District (SDUPD) protested the application, as did Cloud 9 Shuttle, Inc., an existing airport shuttle operator in San Diego County. A prehearing conference (PHC) was held on October 22, 1999, in San Diego. Several problems with the application came to light at the PHC and applicant indicated that an amended application was to be expected. This was filed on November 19, 1999. The Commission's Rail Safety and Carriers Division (RSCD) notified Applicant of problems that had not been corrected.

By notice dated January 25, 2000, SDUPD withdrew its protest on the condition that any authority received by Applicant contains a warning that no operations may be commenced at San Diego International Airport without the prior approval of SDUPD. On February 3, 2000, the Commission received a letter from the attorney for Cloud 9 Shuttle, Inc. withdrawing its protest. SDUPD sent a letter to Applicant dated February 8, 2000, indicating that it would not grant Applicant permission to operate at San Diego International Airport.

In March we received a further amendment to the application. Since all protests have been withdrawn, there is no need for an evidentiary hearing and the matter is ready for decision.

General Order 158, Section 3.01 provides in part:

"3.01 – OPERATIONS AT AIRPORTS. No carrier shall conduct any operations on the property of or into any airport unless both this Commission and the airport authority involved authorizes such operations."

Without protest the amended application is sufficient for us to grant the requested authority. However, Applicant is cautioned that it may not commence service to either Los Angeles International Airport or San Diego International Airport without first having obtained the authorization of the governing body of that airport.

Waiver of Comment Period

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

Findings of Fact

1. Applicant has submitted an application for an allegedly viable operation of a shuttle service between Los Angeles International Airport and specified locations in San Diego County, on the one hand, and all points within San Diego County, on the other hand.
2. All protests to the application have been withdrawn.

Conclusions of Law

1. Applicant's request for a certificate of public convenience and necessity should be granted.
2. Applicant is cautioned that it may not begin service to either Los Angeles International Airport or San Diego International Airport without specific authorization from the governing body of that airport.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Warren J. Starkey and Guadalupe G. Soto (Applicant), a general partnership, authorizing them to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the route set forth in Appendix PSC-12615 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 ten days' notice to the Commission; and make timetables and tariffs effective ten 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. 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 Pub. Util. Code § 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. 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 vehicle for service.

4. 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 authorized by the airport's governing body.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12615), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated June 8, 2000, at San Francisco, California.

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-12615

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.

INDEX

	<u>Page</u>
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 00-06-006, Application 99-06-029.

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

Warren J. Starkey and Guadalupe S. Soto, a general 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 on an "on-call" basis, between points and places as described in Section IIA, and the points 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 any airport unless such operation is authorized by the airport authority involved.

Issued by California Public Utilities Commission.

Decision 00-06-006, Application 99-06-029.

SECTION II. SERVICE AREA.

- A. 1. Points and places within the County of San Diego.
2. Los Angeles International Airport.

- B. 1. San Diego International Airport.
2. San Diego Cruise Ship Terminal, City of San Diego.
3. San Diego AMTRAK Station, City of San Diego.
4. San Diego Greyhound Bus Terminal, City of San Diego.

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 and places described in Section IIB.

Issued by California Public Utilities Commission.

Decision 00-06-006, Application 99-06-029.