

Decision 00-06-061 June 22, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Second amendment to Application to amend certificate of public convenience and necessity PSC-9362 as a passenger stage corporation to provide on-call service via the most convenient streets and highways between all points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, and Solano Counties, the cities of Maxwell and Williams in Colusa County, the cities of Belvedere, Corte Madera, Fairfax, Greenbrae, Kentfield, Larkspur, Marin City, Mill Valley, Novato, Ross, San Anselmo, San Quentin, San Rafael, Sausalito and Tiburon in Marin County, the cities of Carmel by the Sea, Carmel Valley, Castroville, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City and Seaside in Monterey County, the cities of American Canyon and Napa in Napa County, the city of Sacramento in Sacramento County, the cities of Petaluma and Sonoma in Sonoma County, the city of Yuba City in Sutter County, and the city of Marysville in Yuba County, on the one hand; and Oakland International Airport (OAK), Sacramento International Airport (SMF), San Francisco International Airport (SFO) and San Jose International Airport (SJC), on the other hand.

Application 00-02-012
(Filed February 7, 2000;
amended March 1, 2000 and
March 17, 2000)

OPINION**Summary**

This decision grants the application of USA Shuttle Services, Inc. (Applicant), a corporation, under Pub. Util. Code § 1031 *et seq.* to extend its

authority to operate as an on-call passenger stage corporation (PSC) as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized to operate as an on-call PSC (PSC-9362) pursuant to Decision (D.) 95-12-042, as amended by D.99-06-037, between points in Alameda, San Mateo, and Santa Clara Counties, and the Cities of Tracy, Lathrop, and Stockton, on the one hand, and the International Airports of San Francisco (SFO), Oakland (OAK), and San Jose (SJC), on the other hand.

By this application, as amended, Applicant requests authority, to extend its service area to between all points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, and Solano Counties; the Cities and Communities of Maxwell and Williams in Colusa County; Belvedere, Corte Madera, Fairfax, Greenbrae, Kentfield, Larkspur, Marin City, Mill Valley, Novato, Ross, San Anselmo, San Quentin, San Rafael, Sausalito, and Tiburon in Marin County; Carmel by the Sea, Carmel Valley, Castroville, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, and Seaside in Monterey County; American Canyon and Napa in Napa County; Sacramento in Sacramento County; Petaluma and Sonoma in Sonoma County; Yuba City in Sutter County; and Marysville in Yuba County, on the one hand, and OAK, Sacramento International Airport (SMF), SFO and SJC, on the other hand. The proposed fares range between \$12 (San Francisco – SFO) and \$255 (Carmel Valley – SMF).

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on February 11, March 8, and March 17, 2000. The applicant notified the affected airports and cities.

In Resolution ALJ 176-3033 dated February 17, 2000, the Commission preliminarily categorized this application, as amended, 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 176-3033.

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

Findings of Fact

1. Applicant is currently authorized to operate its on-call PSC-9362 pursuant to D.95-12-042, as amended, between points in Alameda, San Mateo, and Santa Clara counties; and the cities of Tracy, Lathrop, and Stockton, on the one hand, and SFO, OAK, and SJC, on the other hand.

2. Applicant requests authority in the application, as amended, to extend its service area to between all points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, and Solano Counties; the Cities and Communities of Maxwell, Williams, Belvedere, Corte Madera, Fairfax, Greenbrae, Kentfield, Larkspur, Marin City, Mill Valley, Novato, Ross, San Anselmo, San Quentin, San Rafael, Sausalito, Tiburon, Carmel by the Sea, Carmel Valley, Castroville, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, American Canyon, Napa, Sacramento, Petaluma, Sonoma, Yuba City, Marysville, on the one hand, and OAK, SMF, SFO and SJC, on the other hand.

3. Public convenience and necessity requires the proposed service.

4. No protests to the application, as amended, have been filed.

5. A public hearing is not necessary.

6. 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, as amended, should be granted.
2. Public convenience and necessity has 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. The certificate of public convenience and necessity (CPCN) granted to USA Shuttle Services, Inc. (applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-9362 of Decision 95-12-042, is amended by replacing Original Page 2 and First Revised Page 3, with First Revised Page 2 and Second Revised Page 3, 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. Tariffs may be filed on or after the effective date of this order. It shall become effective ten days or more after the effective date of this order provided that the Commission and the public are given not less than ten days' notice.
 - 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. 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 also authorized by the airport's governing body.

4. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to the 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 vehicles for service.

5. The extension of the CPCN to operate as a PSC (PSC-9362), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended, is granted as set forth above.
7. This proceeding is closed.

This order is effective today.

Dated June 22, 2000, at San Francisco, California.

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

President Loretta M. Lynch, being necessarily
absent, did not participate.

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

USA Shuttle Service, Inc., a corporation, by the certificate of public convenience and necessity granted by Decision 95-12-042, as revised by the decision noted in the margin, is authorized to transport passengers and their baggage on "on-call" basis, between the points described in Section IIA, on the one hand, and the airports described in Section IIB, on the other hand, and between the airports described in Section IIB, over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the route 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 either 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.

Issued by California Public Utilities Commission.

Decision 00-06-061, Application 00-02-012.

SECTION II. SERVICE AREA.

- A. 1. *Points and places in the counties of:
Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo,
Santa Clara, and Solano.
2. *Points and places in the cities and communities of:
Maxwell and Williams, Colusa County.
Belvedere, Corte Madera, Fairfax, Greenbrae, Kentfield, Larkspur,
Marin City, Mill Valley, Novato, Ross, San Anselmo, San Quentin, San
Rafael, Sausalito and Tiburon, Marin County.
Carmel by the Sea, Carmel Valley, Castroville, Del Rey Oaks, Marina,
Monterey, Pacific Grove, Salinas, Sand City and Seaside, Monterey
County.
American Canyon and Napa, Napa County.
Sacramento, Sacramento County.
Petaluma and Sonoma, Sonoma County.
Yuba City, Sutter County.
Marysville, Yuba County,
- B. San Francisco International Airport.
Oakland International Airport.
San Jose International Airport.
*Sacramento International Airport.

SECTION III. ROUTE DESCRIPTION.

ON - CALL SERVICE

***Route 1 - Counties/Airports**

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

Route 2 - Airports

Commencing from any airport described in Section IIB, then over the most convenient streets, expressways, and highways to any other airport described in Section IIB.

Issued by California Public Utilities Commission.

*Revised by Decision 00-06-061, Application 00-02-012.