

Decision 99-01-002 January 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Ross A. Vitalie and Irene F. Vitalie, dba Door-To-Door Airporter Shuttle Service to Transfer the PSC-10974 certificate to Ross A. Vitalie, an individual, dba Door-To-Door Airporter Shuttle Service.

Application 98-10-023
(Filed October 15, 1998)

OPINION

Summary

This decision grants the application of Ross A. Vitalie and Irene F. Vitalie, (transferors), husband and wife, under Public Utilities (PU) Code § 851 et seq. to transfer their certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-10974) to Ross A. Vitalie (transferee), an individual.

Discussion

Transferors are authorized to operate as an on-call passenger stage corporation to transport passengers and their baggage between points in Eureka, Arcata, and McKinleyville, located in Humboldt County, on the one hand, and Eureka-Arcata Airport, on the other hand. This authority was granted by Decision (D.) 97-02-044.

A document entitled "Termination of Business Relationship," signed by the transferors and attached as Exhibit A to the application, includes the agreement to transfer and relinquish to transferee all rights, title, or ownership interest in PSC-10974.

For recordkeeping purposes, the Rail Safety and Carriers Division License Section designates and assigns a "PSC" number to each authorized passenger stage common carrier. When a passenger stage authority is transferred, a new "PSC" number is usually assigned to the transferee. However, the transferee requests to retain PSC-10974 as this designation appears on all of his business correspondence and advertising, including letterhead and envelopes, magnetic signs, bill board advertisements, note tablets, company checks, vehicles, and fixed signs in hotels, motels, and inns. Transferee states that to repair or replace these items would cause financial hardship if he is required to relinquish the designated PSC-10974 and replace it with another designated PSC number. The request is reasonable and the transferee should be authorized to retain the designated PSC-10974 as the transferee is also a party of the transferor.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 21, 1998. In a separate document dated November 13, 1998, transferee stated that he notified the affected county 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 on public review and comment is being waived.

Findings of Fact

1. Transferors are operating as a passenger stage corporation pursuant to a certificate of public convenience and necessity described in PSC-10974 of

D.97-02-044.

2. Transferors, who are husband and wife, agreed to transfer and relinquish to transferee all rights, title, or ownership interest in PSC-10974.

3. No protests to the application have been filed.

4. A public hearing is not necessary.

5. The proposed transfer will not be adverse to the public interest.

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 proposed transfer is in the public interest and should be authorized.

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. Within 120 days after the effective date of this order, Ross A. Vitalie and Irene F. Vitalie (transferors), husband and wife, may transfer the operative rights specified in the application to Ross A. Vitalie (transferee), an individual, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Amend or reissue transferors' 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 Public Utilities (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. If the transfer is completed, on the effective date of the tariff a certificate of public convenience and necessity is granted to transferee, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-10974, to transport persons and their baggage.

4. The certificate of public convenience and necessity granted by Decision (D.) 97-02-044, is revoked on the effective date of the tariffs filed by the transferee.

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 applicant that his 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.

7. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-10974), granted herein, 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 January 7, 1999, at San Francisco, California.

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

RSCD/MM

Appendix PSC-10631

Ross A. Vitalie
and Irene F. Vitalie
(a partnership)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10631

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 99-01-002, dated January 7, 1999, of the Public
Utilities Commission of the State of California in Application 98-10-023.

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

Ross A. Vitalie and Irene F. Vitalie, 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.

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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.

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