

Decision 99-03-049 March 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Robert John Hilton, dba Desert Valley Shuttle, to extend his passenger stage authority (PSC-8661) to add on-call door-to-door, share-ride service between points and communities in the Coachella Valley (Riverside County), pursuant to Section 1031, et seq., of the California Public Utilities Code, on the one hand, and to establish a zone-of-rate-freedom [ZORF] under the provisions of Section 454.2 of the Public Utilities Code, on the other hand.

Application 98-12-008
(Filed December 9, 1998)

O P I N I O N

Summary

This decision grants the application of Robert John Hilton (applicant), an individual, doing business as Desert Valley Shuttle, under Public Utilities (Pub. Util.) Code § 1031 et seq. to extend his authority to operate as an on-call passenger stage corporation to transport passengers and their baggage between: (1) certain points and places in the Coachella Valley, on the one hand, and Palm Springs Airport (PSP) and Palm Springs Rail Station (PSR), on the other hand, and (2) cities and communities in the Coachella Valley. Applicant also requests to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

Discussion

Applicant is currently authorized to operate as a scheduled and on-call passenger stage corporation (PSC-8661) pursuant to the certificate granted by Decision (D.) 95-07-010, as revised by D.96-02-063. The on-call service is operated

between certain cities and communities in the Coachella Valley, on the one hand, points in the Counties of Riverside, San Bernardino, Los Angeles, and Orange, San Pedro Harbor (HBR), the airports of Ontario International (ONT), Los Angeles International (LAX), John Wayne (SNA), and Long Beach (LGB), and hotels in the immediate vicinity of the airports and Harbor, on the other hand. The scheduled service is operated between certain cities and communities in the Coachella Valley, on the one hand, and HBR, ONT, LAX, SNA, and LGB, and, hotels in their immediate vicinities, on the other hand.

Applicant proposes to extend his on-call authority to include service:

(1) between the cities and communities of Indio, Cathedral City, PGA West, Palm Desert, Palm Springs, La Quinta, Thousand Palms, Desert Hot Springs, and Rancho Mirage, on the one hand, and PSP and PSR, on the other hand; and
(2) between the preceding cities and communities and additionally, Bermuda Dunes and Indian Wells.

The proposed fares to and from PSP and PSR range between \$8 (Palm Springs -PSP/PSR) and \$20 (La Quinta -PSP/PSR). Between the cities and communities in the Coachella Valley fares will range from \$10 (PGA West - Indio) to \$25 (Palm Springs - Indio). The equipment for the proposed service will initially consist of 5 seven-passenger vans. Applicant indicated that he will increase his equipment to 7 seven-passenger vans.

Applicant also requests authority to establish a ZORF of \$12 above and below the present fares filed with the Commission and the proposed fares, shown in Exhibit C, attached to the application. In the letter of January 21, 1999, filed by his representative, applicant said that the minimum fare shall be \$5. The staff is of the opinion that the establishment of the ZORF is fair and reasonable.

Applicant will compete with other passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its service area.

Applicant's Balance Sheet as of August 31, 1998, discloses total assets of \$81,208, total liabilities of \$40,307, and net worth of \$40,901.

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, including Sunline Transit.

In Resolution ALJ 176-3006 dated December 17, 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 176-3006.

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. Applicant is currently authorized to operate an on-call and scheduled passenger stage corporation (PSC-8661) pursuant to the certificate granted by D.95-07-010, as revised by D.96-02-063.

2. Applicant requests authority to extend his on-call passenger stage corporation between (1) certain points and places in the Coachella Valley, on the one hand, and PSP and PSR, on the other hand; and (2) the cities and communities in the Coachella Valley.

3. Applicant requests authority to establish a ZORF of \$12 above and below his present fares and the proposed fares, as shown in Exhibit C, attached to the application. The minimum fare shall be \$5. The ZORF is fair and reasonable.

4. Applicant will compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in his operations.

5. Public convenience and necessity requires the proposed service.

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.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and the application should be granted.

2. The request for a ZORF should be granted.

3. Before applicant changes any fares under the ZORF authorized below, applicant shall give this Commission at least 10 days' notice.

4. The filing of ZORF fares should be shown in the tariff citing between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

5. Since the matter is uncontested, the decision should be effective on the date it 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 granted to Robert John Hilton (applicant), an individual, authorizing him 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-8661 of Decision 95-07-010, as amended, is further amended by replacing First Revised Pages 2 and 3, with Second Revised Pages 2 and 3, and Original Page 4, 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 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. 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 under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$12 above and below his present fares on file with the Commission, and the proposed fares, as shown in Exhibit C, attached to the application. The minimum fare shall be \$5.

4. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public and subject to Commission approval. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Applicant may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.

6. In addition to posting and filing tariffs, applicant shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least 5 days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. 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.

8. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to the 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.

9. The extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-8661), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application, as amended by letter of January 21, 1999, is granted as set forth above.

11. 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

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

Robert John Hilton, an individual, by the certificate of public convenience and necessity granted by the *revised decision noted in the margin, is authorized to transport passengers and their baggage between *points and places and 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 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. Scheduled service will be operated only at the designated service points listed in Sections IIA and IIC. Such schedules shall be the timetable filed with the Commission. All of the stop points shall be described in the timetable filed with the Commission.
- *d. No intra-city passengers shall be transported between points or places located within each city or community described in Section IIA, except to points described in Section IID.
- e. 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.

*Revised by Decision 99-03-049, Application 98-12-008.

SECTION II. SERVICE AREA.

A. Points and places within the geographical limits of the following cities and communities in the Coachella Valley:

- | | | | |
|----------------|--------------|--------------------|---------------|
| Indio | PGA West | La Quinta | Bermuda Dunes |
| Indian Wells | Palm Desert | Thousand Palms | Rancho Mirage |
| Cathedral City | Palm Springs | Desert Hot Springs | |

B. Points and places in the counties of Riverside, San Bernardino, Los Angeles, and Orange

C. Ontario International Airport
Los Angeles International Airport
John Wayne Airport.
Long Beach Airport.
San Pedro Harbor.
Hotels within the immediate vicinity of the above airports and Harbor.

*D. Palm Springs Airport.
Palm Springs Train Station.

SECTION III. ROUTE DESCRIPTION.

ON-CALL SERVICE

Route 1 - Riverside/San Bernardino/Los Angeles/Orange

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

*Route 2 Palm Springs Airport/Palm Springs Rail Station

Commencing from any point as described in Section IIA, except Bermuda Dunes and Indian Wells, then over the most convenient streets, expressways, and highways to the points described in Section IID.

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*Revised by Decision 99-03-049, Application 98-12-008.

SECTION III. ROUTE DESCRIPTION (Concluded).

ON-CALL SERVICE

***Route 3 Inter-City (Coachella Valley)**

Commencing from any point or place in a city or community, as described in Section IIA, then over the most convenient streets, expressways, and highways any point or place in another city or community, as described in Section IIA.

SCHEDULED SERVICE

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

Issued by California Public Utilities Commission.

*Revised by Decision 99-03-049, Application 98-12-008.