

Decision 99-06-037 June 10, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of USA Shuttle Services, Inc., a corporation, to amend its certificate of public convenience and necessity as a passenger stage corporation to add service between points in Alameda, San Joaquin and San Mateo Counties on the one hand and Oakland International Airport, San Francisco International Airport and San Jose International Airport on the other hand. (PSC 9362)

Application 98-04-038  
(Filed April 24, 1998;  
amended March 2, 1999)

**O P I N I O N**

**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.

**Discussion**

Applicant is currently authorized to operate an on-call passenger stage corporation (PSC-9362) pursuant to Decision (D.) 95-12-042 between points in Santa Clara County and the City of Fremont, on the one hand, and the international airports of San Francisco (SFO), Oakland (OAK), and San Jose (SJC), on the other hand.

Applicant requests authority in the application, as amended, to extend its service area between points in Alameda, San Mateo and Santa Clara Counties, and the cities of Tracy, Lathrop, and Stockton in San Joaquin County, on the one

hand, and SFO, OAK, and SJC, on the other hand. The proposed fares range from \$15.00 (Berkeley -OAK) to \$99.00 (Stockton-SJC).

The unaudited Balance Sheet as of December 31, 1998, discloses total assets in the amount of \$111,924, and capital and shareholders equity of \$111,924.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on April 28, 1998, and March 8, 1999. The applicant notified the affected airports and cities.

In Resolution ALJ 176-2992 dated May 7, 1998, the Commission preliminarily categorized this application, as amended, 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 176-2992.

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 passenger stage corporation (PSC-9362) pursuant to D.95-12-042 between points in Santa Clara County and the City of Fremont, on the one hand, and SFO, OAK, and SJC, on the other hand.

2. Applicant requests authority in the application, as amended, between points in Alameda, San Mateo and Santa Clara Counties, plus the cities of Tracy, Lathrop, and Stockton, on the one hand, and SFO, OAK, 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 have 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 granted to USA Shuttle Services, Inc. (applicant), a corporation, authorizing it 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 routes set forth in Appendix PSC-9362 of Decision 95-12-042, is amended by replacing Original Page 3, with First 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. 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. 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 applicants' vehicles for service.

5. The extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (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.

A.98-04-038 ALJ/KLK/avs

7. This proceeding is closed.

This order is effective today.

Dated June 10, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
LORETTA M. LYNCH  
JOEL Z. HYATT  
Commissioners

SECTION II. SERVICE AREA.

- A. Within points and places in the counties of \*Alameda, \*San Mateo and Santa Clara, plus the cities of \*Tracy, \*Lathrop and \*Stockton in San Joaquin County.
  
- B. San Francisco International Airport.  
Oakland International Airport.  
San Jose 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 escribed 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 99-06-037, Application 98-04-038.