

Decision 99-06-039 June 10, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Thelma J. Ayala, an individual dba Monarca Transportation Services, for a certificate of public convenience and necessity to operate as a passenger stage corporation between Victorville and San Ysidro with service to and from intermediate points of San Bernardino and Fontana.

Application 99-02-007
(Filed February 3, 1999)

O P I N I O N

Summary

This decision grants the application of Thelma J. Ayala (applicant), an individual, doing business as Monarca Transportation Services, under Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a scheduled passenger stage corporation.

Discussion

Applicant proposes to transport passengers and their baggage between: (1) Victorville, San Bernardino, and Fontana, on the one hand, and San Ysidro, on the other hand, and (2) San Bernardino and Fontana, on the one hand, and Victorville, on the other hand. Reservations will be required for service to Fontana, where passengers will be able to make an interline connection with another carrier, El Corre Caminos, for service to other points. No local passengers will be carried between Fontana and San Bernardino.

The scheduled service will be provided daily, except Sundays. The proposed fares between Victorville, San Bernardino, and Fontana, on the one

hand, and San Ysidro on the other hand, are \$34.00 , \$22.00 , and \$22.00, respectively. The proposed fare between San Bernardino and Fontana, on the one hand, and Victorville, on the other hand, is \$12.00. In her letter of March 26, 1999, applicant stated she intends to purchase a new van for the proposed service. This would be in addition to the van currently used by applicant in a charter party operation of which she is co-partner (TCP 11967). The unaudited Balance Sheet as of November 30, 1998, discloses total assets of \$142,875; total liabilities of \$135,300; and net worth in the amount of \$7,575.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 9, 1999. The applicant notified the affected cities and transit agencies.

In Resolution ALJ 176-3010 dated February 18, 1999, 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 176-3010.

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 requests authority to operate as a scheduled passenger stage corporation to transport passengers and their baggage between the Cities of:
(1) Victorville, San Bernardino, and Fontana, on the one hand, and San Ysidro, on

the other hand, and (2) San Bernardino and Fontana, on the one hand, and Victorville, on the other hand.

2. Public convenience and necessity requires the proposed service.
3. No protests to the application have been filed.
4. A public hearing is not necessary.
5. 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. Public convenience and necessity have been demonstrated and the application should be granted.
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. A certificate of public convenience and necessity is granted to Thelma J. Ayala (applicant), an individual, Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-12405 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 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 her 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.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12405), 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 10, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

JOEL Z. HYATT

Commissioners

A.99-02-007 ALJ/KLK/avs

Appendix PSC-12405

Thelma. J. Ayala
(an individual)

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-12405

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 99-06-039, dated June 10, 1999, of the
Public Utilities Commission of the State of California in Application 99-02-007.

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Issued by California Public Utilities Commission.

Decision 99-06-039, Application 99-02-007.

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

Thelma J. Ayala, an individual, 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 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 in the designated cities described in Section III. 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 between San Bernardino and Fontana.
- 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.

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SECTION II. ROUTE DESCRIPTIONS.

Route 1 – Victorville/San Ysidro

Commencing from Victorville, then over the most convenient streets, expressways, and highways to San Bernardino, Fontana, and to San Ysidro.

Route 2 – Victorville/Fontana

Commencing from Victorville, then over the most convenient streets, expressways, and highways to San Bernardino, and to Fontana.

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