

Decision 99-09-003 September 2, 1999

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

In the Matter of the Application of Romy Bus Company, LLC, to operate a pre-arranged inter-city, passenger stage service between the cities of Calexico, Indio, Los Angeles, Bakersfield, Fresno, and Sacramento/Woodland or between the cities of Calexico, Indio, Los Angeles, Bakersfield and Salinas/Watsonville on the one hand, and or between the cities of San Ysidro, Los Angeles, Bakersfield, Fresno, Sacramento/Woodland, or between the cities of San Ysidro, Los Angeles, Bakersfield, Salinas/Watsonville, on the other hand under Section 1031, et. seq., of the California Public Utilities Code.

Application 99-04-007  
(Filed April 5, 1999;  
amended May 17, 1999)

**O P I N I O N**

**Summary**

This decision grants the application of Romy Bus Company, LLC (applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as an on-call passenger stage corporation, as defined in Pub. Util. Code § 226.

**Discussion**

Applicant proposes to transport passengers and their baggage between: (1) the cities of Calexico and Sacramento or Woodland via the intermediate points of Indio, Los Angeles, Bakersfield, and Fresno; (2) the cities of Calexico and Salinas or Watsonville via the intermediate points of Indio, Los Angeles, and Bakersfield; (3) the community of San Ysidro located in the City of San Diego, and Sacramento or Woodland via the intermediate points of Los Angeles,

Bakersfield, and Fresno and (4) San Ysidro and Salinas or Watsonville via the intermediate points of Los Angeles and Bakersfield. The service will be operated seven days a week between the hours of 6:00 a.m. and 10:00 p.m. Applicant will utilize eight 15-passenger vans for the service. The proposed fares, as listed in Exhibit B, attached to the amended application, range between \$13 (San Ysidro - Los Angeles) and \$75 (Calexico - Woodland). Exhibit D to the application, as amended by applicant's letter of June 22, 1999, is the unaudited Balance Sheet as of March 28, 1999 that discloses total assets of \$168,800 and total liabilities of \$4,400. Net worth is \$164,400.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on April 9, 1999 and May 19, 1999. The applicant notified the affected cities and transit agencies.

In Resolution ALJ 176-3014 dated April 22, 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 176-3014.

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, as amended, to operate as an on-call passenger stage corporation to transport passengers and their baggage between: (1) Calexico and Sacramento or Woodland via the intermediate points of Indio, Los Angeles, Bakersfield, and Fresno; (2) Calexico and Salinas or Watsonville via

the intermediate points of Indio, Los Angeles, and Bakersfield; (3) San Ysidro and Sacramento or Woodland via the intermediate points of Los Angeles, Bakersfield, and Fresno and (4) San Ysidro and Salinas or Watsonville via the intermediate points of Los Angeles and Bakersfield.

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, as amended, 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 Romy Bus Company LLC (applicant), a limited liability company, 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-12458, 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 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 certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12458), 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 September 2, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners

ALJ/KLK/hkr

Appendix PSC-12458

Romy Bus Company, LLC.  
(a limited liability company)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-12458

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges

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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.

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Issued under authority of Decision 99-09-003, dated September 2, 1999, of the  
Public Utilities Commission of the State of California in Application 99-04-007.

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Issued by California Public Utilities Commission.

Decision 99-09-003, Application 99-04-007.

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

Romy Bus Company, LLC, a limited company, 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 an "on-call" basis, between points and places as 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. Only passengers shall be transported between points described in Section II. No passengers shall be transported between points in the same city or community.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by airport authority involved.

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SECTION II. ROUTE DESCRIPTIONS.

**Route 1 – Calexico-Sacramento/Woodland**

Commencing from the City of Calexico, then over the most convenient streets, expressways, and highways to the cities of Sacramento or Woodland with intermediate stops in the cities of Indio, Los Angeles, Bakersfield, and Fresno.

**Route 2 – San Ysidro-Sacramento/Woodland**

Commencing from the community of San Ysidro located in the City of San Diego, then over the most convenient streets, expressways, and highways to the cities of Sacramento or Woodland with intermediate stops in the cities of Los Angeles, Bakersfield, and Fresno.

**Route 3 – Calexico -Salinas/Watsonville**

Commencing from the City of Calexico, then over the most convenient streets, expressways, and highways to the cities of Salinas or Watsonville, with intermediate stops in the cities of Indio, Los Angeles, and Bakersfield.

**Route 4 – San Ysidro – Salinas/Watsonville**

Commencing from the community of San Ysidro located in the City of San Diego, then over the most convenient streets, expressways, and highways to the cities of Salinas or Watsonville with intermediate stops in the cities of Los Angeles, and Bakersfield.

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