

Decision 99-09-008 September 2, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of Flecha Amarilla Del Norte, LLC, to operate a pre-arranged inter-city, passenger stage service between the cities of Calexico, Indio, Palm Springs, San Bernardino, Pomona, El Monte and Los Angeles, on the one hand, or between cities San Ysidro, Santa Ana, Los Angeles, El Monte, Pomona and San Bernardino, on the other hand under Section 1031, et. seq., of the California Public Utilities Code.

Application 99-05-003
(Filed May 4, 1999;
amended June 1, 1999)

OPINION

Summary

This decision grants the application, as amended, of Flecha Amarilla Del Norte, 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 Los Angeles through the intermediate points of Indio, Palm Springs, San Bernardino, Pomona, and El Monte; (2) the community of San Ysidro located in the City of San Diego, and Los Angeles or San Bernardino through the intermediate points of Santa Ana, El Monte, and Pomona. 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 C, attached to the amended application, range between \$8 (Los Angeles – El Monte) and \$35 (Calexico – Los Angeles). Exhibit E to the application is the unaudited Balance Sheet as of December 31, 1998, that discloses: total assets of \$186,872; total liabilities of \$43,454; and net worth of \$143,418.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on May 4, 1999 and June 7, 1999. The applicant notified the affected cities and transit agencies.

In Resolution ALJ 176-3015 dated May 13, 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 176-3015.

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 Los Angeles through the intermediate points of Indio, Palm Springs, San Bernardino, Pomona, and El Monte; (2) San Ysidro and Los Angeles or San Bernardino through the intermediate points of Santa Ana, El Monte and Pomona.

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 Flecha Amarilla Del Norte, LLC (applicant), a limited liability company, authorizing it 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-11668, 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-11668), granted herein, expires, unless exercised within 120 days after the effective date of this order.

A.99-05-003 ALJ/KLK/tcg

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

RSCD/mm

Appendix PSC-11668 Flecha Amarilla Del Norte, LLC. Original Title Page
(a limited liability company)

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11668

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 99-09-008, dated September 2, 1999, of the
Public Utilities Commission of the State of California in Application 99-05-003.

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

Flecha Amarilla Del Norte, 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.

Issued by California Public Utilities Commission.

Decision 99-09-008, Application 99-05-003.

SECTION II. ROUTE DESCRIPTIONS.

Route 1 – Calexico-Los Angeles

Commencing from the City of Calexico, then over the most convenient streets, expressways, and highways to the City of Los Angeles, with intermediate stops in the cities of Indio, Palm Springs, San Bernardino, Pomona, and El Monte.

Route 2 – San Ysidro-Los Angeles San Bernardino

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 City of Los Angeles or San Bernardino, with intermediate stops in the cities of Santa Ana, El Monte, and Pomona.