

Decision 99-09-057 September 16, 1999

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

In the Matter of the Application of Diversified Paratransit, Inc. dba Inland Express for authority to Establish a Zone of Rate Freedom for passenger stage corporation service authorized under PSC-4077.

Application 99-06-043  
(Filed June 23, 1999)

**OPINION**

**Summary**

This decision grants the application of Diversified Paratransit, Inc. (applicant), a corporation, to establish a Zone of Rate Freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

**Discussion**

Applicant is authorized by Decision (D.) 97-07-014 to operate as an on-call passenger stage corporation (PSC-4077) between certain points in the counties of Riverside, San Bernardino, Los Angeles, and Orange, on the one hand, and the piers in San Pedro, Los Angeles (HBR), AMTRAK stations in the cities of Los Angeles, Fullerton, Pomona, San Bernardino, Riverside, and Glendale (AMTRAK), and Los Angeles International, John Wayne, Ontario International, Burbank, and Palm Springs airports (Airports), on the other hand.

Applicant was authorized by D.97-07-014 to acquire the certificate of public convenience to operate as a passenger stage corporation from Inland Express Services, Inc. Applicant filed its tariff, Local Passenger Tariff No. 1 (LPT#1), on December 8, 1997, that became effective on December 15, 1997.

In paragraph IV of the application, applicant incorrectly refers to passenger tariff dated 12/15/97 in Exhibit A as tariff dated 03/21/99. It should be noted that a passenger tariff dated 03/21/99 is not on file with the Commission. Applicant requests authority to establish a ZORF of \$10 above and below its present published one-way fares.

The staff is of the opinion that the establishment of the ZORF of \$10 above and below its present fares filed with this Commission is fair and reasonable.

Applicant competes with other passenger stage corporations, taxicabs, limousines, buses, and automobiles in its service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 30, 1999. The applicant notified the affected airports and cities.

In Resolution ALJ 176-3019 dated July 8, 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 176-3019.

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-4077) between certain points in the Counties of Riverside,

San Bernardino, Los Angeles, and Orange, on the one hand, and the HBR, AMTRAK, and the Airports, on the other hand.

2. The present fares are published in its LPT#1 filed with the Commission. The present fares are similar to the fares shown in Exhibit A, attached to the application. Applicant's Passenger Tariff dated March 21, 1999, is not filed with the Commission.

3. Applicant requests authority to establish a ZORF of \$10 above and below its one-way fares. Applicant may establish the ZORF based on its present authorized fares published in LPT#1 and filed with the Commission.

4. The ZORF is fair and reasonable.

5. Applicant competes with passenger stage corporations, taxicabs, limousines, buses, and automobiles in its operations.

6. No protests to the application have been filed.

### **Conclusions of Law**

1. The application to establish a ZORF of \$10 above and below its present published fares filed with this Commission should be granted.

2. Before applicant changes fares under the ZORF authorized below, applicant should give this Commission 10 days' notice.

3. The filing of ZORF fares should be accompanied by a tariff amendment showing between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

4. In order to make the proposed fare changes available as soon as possible, the following order should be effective on the date of this decision.

**ORDER**

**IT IS ORDERED** that:

1. Diversified Paratransit, Inc. (applicant), a corporation, is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$10 above and below its present authorized adult one-way fares published in its Local Passenger Tariff No. 1.

2. 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 60 days after the effective date of this order.

3. 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.

4. In addition to posting and filing tariffs, applicant shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such

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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.

5. The application is granted as set forth above.
6. This proceeding is closed.

This order is effective today.

Dated September 16, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
JOEL Z. HYATT  
CARL W. WOOD  
Commissioners