

Decision 99-10-018 October 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Aguilas Del Desierto, LLC, to operate a pre-arranged, inter-city, passenger stage service between the cities of Calexico, San Ysidro and Tecate (CA), on the one hand, and the cities of Los Angeles, El Monte, Anaheim, San Bernardino and intermediate points, described in the Application, on the other hand, pursuant to Section 1031, et. seq., of the California Public Utilities Code.

Application 99-06-025
(Filed June 17, 1999)

O P I N I O N

Summary

This decision grants the application of Aguilas Del Desierto, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate a passenger stage corporation, as defined in Pub. Util. Code § 226.

Discussion

Applicant requests authority to operate as an on-call passenger stage corporation transporting passengers and their baggage between: (1) the cities of Calexico and Los Angeles through the intermediate points of Indio, San Bernardino, Fontana, and El Monte/Baldwin Park; (2) Calexico and Anaheim/Santa Ana through the intermediate points of Indio, San Bernardino, and Fontana; (3) the community of San Ysidro located in the City of San Diego or the community of Tecate, and El Monte/Baldwin Park through the intermediate points of Anaheim/Santa Ana and Los Angeles; (4) San Ysidro and San

Bernardino through the intermediate points of Temecula, Perris and Fontana. 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, range between \$8 (Los Angeles – Baldwin Park) and \$30 (Calexico – Anaheim). Exhibit E to the application is the unaudited Balance Sheet as of June 1, 1999, that discloses: total assets of \$105,500; total liabilities of \$25,000; and net worth of \$80,500.

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

In Resolution ALJ 176-3018 dated June 24, 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 176-3018.

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 an on-call passenger stage corporation between: (1) Calexico and Los Angeles through the intermediate points of Indio, San Bernardino, Fontana, and El Monte/Baldwin Park; (2) Calexico and Anaheim/Santa Ana through the intermediate points of Indio, San Bernardino, and Fontana; (3) San Ysidro or Tecate, and El Monte/Baldwin

Park through the intermediate points of Anaheim/Santa Ana, and Los Angeles;
(4) San Ysidro and San Bernardino through the intermediate points of Temecula,
Perris and Fontana.

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 has 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 Aguilas Del Desierto, 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-12692, 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-12692), 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 October 7, 1999, at Los Angeles, California.

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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-12692

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 99-10-018, dated October 7, 1999, of the Public
Utilities Commission of the State of California in Application 99-06-025.

INDEX

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. ROUTE DESCRIPTIONS	3

Issued by California Public Utilities Commission.

Decision 99-10-018, Application 99-06-025.

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

Aguilas Del Desierto, 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 the airport authority involved.

Issued by California Public Utilities Commission.

Decision 99-10-018, Application 99-06-025.

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, San Bernardino, Fontana, El Monte, and Baldwin Park.

Route 2 – Calexico-Anaheim (Disneyland)

Commencing from the City of Calexico, then over the most convenient streets, expressways, and highways to the cities of Anaheim and Santa Ana, with intermediate stops in the cities of Indio, San Bernardino, and Fontana.

Route 3 – San Ysidro-El Monte/Baldwin Park

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 El Monte and Baldwin Park, with intermediate stops in the cities of Anaheim, Santa Ana, and Los Angeles.

Route 4 – Tecate-El Monte/Baldwin Park

Commencing from the community of Tecate located in the County of San Diego, then over the most convenient streets, expressways, and highways to the cities of El Monte Baldwin Park, with intermediate stops in the cities of Anaheim, Santa Ana, and Los Angeles.

Route 5 – San Ysidro-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 San Bernardino, with intermediate stops in the cities of Temecula, Perris, and Fontana.

Issued by California Public Utilities Commission.

Decision 99-10-018, Application 99-06-025.