

Decision 99-12-013 December 2, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Cal-Mex Tours, for authority to operate as a "scheduled" PSC Carrier between San Ysidro and Salinas, with stops in Oceanside, San Clemente, San Juan Capistrano, Santa Ana, Los Angeles and Santa Maria, CA.

Application 99-04-033
(Filed April 28, 1999;
amended September 3, 1999)

OPINION

Summary

This decision grants the application of Jose Sergio Garrido and Noe Torres (Applicant), a partnership, doing business as Cal-Mex Tours, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant requests in the application, as amended, to operate as a scheduled PSC transporting passengers and their baggage between San Ysidro and Salinas, through the intermediate points of Oceanside, San Clemente, San Juan Capistrano, Santa Ana, Los Angeles, and Santa Maria. Applicant will utilize two 15-passenger vans for the proposed service. The proposed fares, shown in the amended application, range between \$9 (San Ysidro – Oceanside) and \$55 (San Ysidro – Salinas). Exhibit F to the application is the unaudited Balance Sheet, that discloses Total Assets of \$32,000 and Net Worth of \$32,000. Applicant is authorized to operate as a charter-party carrier (TCP-12003-P).

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on April 30, 1999 and September 10, 1999. Applicant notified the affected cities.

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. Given this status, a 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 in the application, as amended, to operate as a scheduled passenger stage corporation transporting passengers and their baggage between San Ysidro and Salinas through the intermediate points of Oceanside, San Clemente, San Juan Capistrano, Santa Ana, Los Angeles, and Santa Maria.
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, 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 Jose Sergio Garrido and Noe Torres (Applicant), a partnership, authorizing them 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 route set forth in Appendix PSC-12003 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 Systems 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 their 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-12003), 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 December 2, 1999, at San Francisco, 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-12003

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.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS 2

SECTION II. ROUTE DESCRIPTION..... 3

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Decision 99-12-013, Application 99-04-033.

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

Jose Sergio Garrido and Noe Torres, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, are authorized to transport passengers and their baggage as a scheduled passenger stage corporation between points and places specified in Section II and over and along the route described in Section II, 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. Scheduled service will be operated only at the designated community and cities described in Section II. 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 except those having a point of origin or destination as described in Section II.
- 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 DESCRIPTION.

Commencing from the community San Ysidro, located in the City of San Diego, then over the most convenient streets, expressways, and highways to the cities of Oceanside, San Clemente, San Juan Capistrano, Santa Ana, Los Angeles, Santa Maria, and to Salinas.

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