

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 10-91  
Transportation DivisionR E S O L U T I O N

RESOLUTION VOLUNTARILY SUSPENDING THE PASSENGER STAGE CORPORATION CERTIFICATE (PSC 1370) AND CHARTER-PARTY CARRIER PERMIT (TCP 1370-P) ISSUED TO CLIVE ANDREW DE PAULE, DOING BUSINESS AS GOOD NEIGHBORS AIRPORT SHUTTLE

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Clive Andrew De Paule, doing business as Good Neighbors Airport Shuttle (Good Neighbors), is holder of a passenger stage corporation certificate (PSC 1370) and a charter-party carrier permit (TCP 1370-P). Certificate PSC 1370 contains the following restriction:

"This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved."

The charter-party permit issued to Good Neighbors is similarly restricted.

Part 3.02, General Order 157-A (applicable to charter-party carriers) and Part 3.01, General Order 158 (applicable to passenger stage corporations) state:

"OPERATIONS AT AIRPORTS. No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority."

The Commission's Transportation Division (TD) learned that San Francisco International Airport (SFO) had revoked Good Neighbors' permit to operate on airport property effective May 7, 1991. Good Neighbors continued to operate at SFO after the permit revocation in spite of a written warning from TD that such operations were unlawful.

The Commission thoroughly reviewed and discussed the issue of access to airports in the rulemaking proceeding on the regulation of passenger carrier services ((1989) 33 CPUC 2d 9).

In that and prior proceedings we found that airport authorities have jurisdiction over the use of their roadways. Accordingly, we have conditioned permits and certificates and promulgated general order rules to explicitly require airport authority approval before a passenger carrier may operate on airport property.

TD is informed that Good Neighbors is challenging SFO's right to restrict the carrier's use of airport roadways. Legal action on the issue is pending in San Mateo County Superior Court. It may be within the purview of the Court to order SFO to let Good Neighbors use the airport roadways. However, unless and until that occurs, Good Neighbors may not operate at SFO under its Commission-issued authorities.

By letter dated June 28, 1991, Good Neighbors requested that certificate PSC 1370 be placed in voluntary suspension effective July 7, 1991. Good Neighbors made a similar request for its charter-party permit in a letter dated July 1, 1991. The carrier expressed its intention to have the authorities remain in suspension pending resolution of its litigation with SFO.

It is customary for the Commission to grant requests for voluntary suspension of passenger stage corporation certificates for a period of one year. We will grant Good Neighbors' request by placing its certificate in suspension until July 7, 1992. Since Good Neighbors' PSC certificate authorizes only transportation to and from SFO, the certificate will not be reinstated unless the carrier has been issued a permit by SFO or the Court has ruled that SFO cannot require such a permit.

Good Neighbors' charter-party permit will automatically expire on January 16, 1993. The permit, which authorizes statewide operations, will be placed in voluntary suspension until that date. If application is made for reinstatement, unless Good Neighbors possesses an airport permit or the Court has ruled that SFO cannot require such a permit, the charter-party authority will be reissued to specifically exclude operations to or from SFO. While the permit already contains a general restriction limiting airport operations, a specific exclusion applicable to SFO will reinforce this restriction.

SFO has expressed concerns to TD about Good Neighbors' fitness to hold passenger carrier authority from the Commission. SFO's reasons include the carrier's operations without an airport permit and an incident which occurred on June 9, 1991 in which two of Good Neighbors' drivers were arrested by SFO police while operating vans in passenger service. In addition to being cited for operating without an airport permit, one driver was arrested for evading arrest and possession of marijuana, and the other for interfering with a police officer. There are allegations that the drivers took evasive action with their vans which endangered the motorcycle officer who stopped them. Good

Neighbors is placed on notice that should it apply for reinstatement of its certificate or permit, it may be subject to a Commission investigatory proceeding to examine whether it possesses the requisite fitness to operate as a highway carrier of passengers.


Information received by TD indicates that Good Neighbors has incorporated as Airport Shuttle, Inc. The corporate name appears in pleadings filed by Good Neighbors in its Superior Court suit against SFO and on Clive Andrew De Paule's business card. Good Neighbors is placed on notice that its certificate and permit authorize operations only by Clive Andrew De Paule as an individual. Any operations conducted by Airport Shuttle, Inc. without authority from the Commission are unlawful and may result in punitive action.

THEREFORE, IT IS ORDERED that:

1. The passenger stage corporation certificate issued to Clive Andrew De Paule, doing business as Good Neighbors Airport Shuttle, (PSC 1370) is hereby suspended until July 7, 1992.
2. The charter-party permit issued to Clive Andrew De Paule, doing business as Good Neighbors Airport Shuttle, (TCP 1370-P) is hereby suspended until January 16, 1993.
3. Certificate PSC 1370 may be reinstated upon application only if Good Neighbors has been issued a permit by San Francisco International Airport or the Court has ruled that the airport cannot require such a permit.
4. Permit TCP 1370-P may be reinstated upon application, provided that the permit will be reissued to specifically exclude operations to or from San Francisco International Airport unless at the time of application Good Neighbors holds an airport permit or the Court has ruled that the airport cannot require such a permit.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on September 6, 1991, 1991. The following Commissioners approved it:

  
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Executive Director

PATRICIA M. ECKERT  
President  
JOHN B. CHANIAN  
DANIEL W. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

I abstain.

G. MITCHELL WILK  
Commissioner