

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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R E S O L U T I O NRESOLUTION AMENDING COMMISSION RECORDS TO REFLECT THE  
ACQUISITION OF AIRPORT SERVICE, INC. (ASI) BY FUNBUS  
SYSTEMS, INC. (FUNBUS)

FunBus is a PUC authorized inter-city passenger stage corporation (PSC-918) and charter party carrier (TCP 144A and 90S). It had been granted authority by ICC to operate over routes passing through California. In addition, ICC granted it a certificate to operate over LAX-Anaheim, an intrastate route. PUC has successfully contested, in the U. S. Court of Appeals, the ICC's authority to grant such a certificate unless there is a nexus between interstate and intrastate routes. ASI is a PUC authorized passenger stage corporation holding mostly airport-access authority (PSC-869) and a class A charter authority (TCP 163A). It also holds an interstate charter party authority from ICC.

On or about April 20, 1987 Funbus concluded a deal to purchase ASI. ICC in its Decision No. MC-F-18277-TA, dated April 8, 1987, granted FunBus temporary authority to lease those operating rights of ASI which were granted to it by PUC in decisions D.83743 (as amended in D.84583), D.82-03-028, and D.90383. On July 7, 1987 ICC granted final authority to FunBus to acquire the assets of ASI including the operating rights granted to it by PUC in PSC-869 and TCP 163A. The transaction was consummated around July 31, 1987. FunBus has requested PUC to amend the Commission records to reflect this merger. It has also requested that ASI authority not be cancelled for lack of insurance filing because this authority is now covered under FunBus insurance.

Both FunBus and ASI have undisputed ICC authority over certain portions of their operations and PUC authority over other portions. Legal Division has reviewed the FunBus' request and based on these facts believes that ICC has exclusive jurisdiction over FunBus' acquisition of ASI under 49 U.S.C. section 11341 et seq. Accordingly, in view of the ICC's final decision approving this acquisition, FunBus is authorized to operate intrastate bus operations under the state certificates that the PUC had issued to ASI. Just as ASI was required to before this acquisition, FunBus must comply with all state laws and regulations relating to intrastate bus service.

Commission's record shows that FunBus currently has two PSC numbers. PSC-918 was originally assigned in Decision 93236 in Application 60193. PSC-1375 was assigned in Decision 85-02-064 in Application 83-11-17 granting it additional authority to operate certain routes in Anaheim area. Since the Commission uses the PSC numbers for identification purposes and each carrier is assigned one and only one PSC number, it is necessary to merge the authority granted to FunBus in PSC-1375 into PSC-918 and to revoke PSC-1375.

#### Findings of Fact

1. The ICC, having exclusive and plenary jurisdiction, approved the purchase of ASI by FunBus.
2. This transaction was consummated on or around July 31, 1987.
3. FunBus has filed tariffs and proof of insurance to cover the newly acquired operating rights.
4. PSC-1375 should be merged with PSC-918.

#### Conclusion of Law

The Commission concludes that its records be amended to reflect the acquisition of ASI by FunBus. PSC-918 issued to FunBus should incorporate authority granted under PSC-1375.

#### IT IS RESOLVED that:

1. The Commission's records shall be amended to reflect the merger of Airport Services, Inc. into FunBus Systems, Inc.
2. Authority granted to FunBus in PSC-1375 shall be merged with PSC-918.
3. The Transportation Division staff shall prepare a certificate incorporating the authorities granted in PSC-869 and PSC-1375 into PSC-918. The new certificate shall supersede all certificates of public convenience and necessity as passenger stage corporations previously granted to FunBus and ASI. The passenger stage corporation number for ASI PSC-869 and PSC-1375 granted to FunBus are hereby cancelled.

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4. The certificate as a Class A charter party carrier of passengers granted to ASI (TCP 163A) is hereby reissued to FunBus. The Commission's records shall be amended to reflect this change.

5. Within thirty days of the effective date of this resolution, FunBus shall Comply with General Orders Series 79, 98, 101, 104, 115, the California Highway Patrol safety rules and shall file an annual report of seller's operations for the period from the first day of the current year to the date of acquisition.

6. FunBus shall remit to the Commission the Transportation Reimbursement fee required by PUC Code 403 when notified by mail to do so.

7. FunBus shall issue new tariffs and timetables reflecting the merger of PSC-869 and PSC-1375 into PSC-918 within 120 days of this resolution; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after the date of this resolution.

The Executive Director shall mail a copy of this resolution to:

William J. Monheim  
Transportation Consultant  
16262 E. Whittier Boulevard, Suite 6  
P.O. Box 1756  
Whittier, CA 90609

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on JAN 28 1988.

The following Commissioners approved it:

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners



Executive Director