

Decision 12-09-012 September 13, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Monika Latique, an individual, dba American Shuttle Express, to Transfer PSC Certificate No. 17690 to American Shuttle Exp Inc, a corporation, and to establish a Zone of Rate Freedom.

Application 12-04-029
(Filed April 30, 2012)

D E C I S I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Monika Latigue¹ (Transferor), an individual, to American Shuttle Exp Inc (Transferee), a corporation.

Discussion

Transferor holds a PSC certificate authorizing the transportation of passengers and their baggage on an on-call basis (1) between points in Alameda, San Joaquin, San Mateo, and Santa Clara Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), San Jose (SJC), and Sacramento (SMF) International Airports, on the other hand; and (2) between points in Contra Costa, Marin, San Francisco, and Solano Counties, on the one hand, and SFO, OAK, and SJC, on the other hand. The certificate was granted by Decision (D.) 04-08-035.

¹ Monika Latigue's last name was misspelled in the caption of the application as filed.

The application requests approval to transfer certificate PSC-17690 to Transferee. Transferor desires to change her form of business organization to a corporation. She is the president and a principal stockholder of Transferee. Transferee indicates that its management has substantial experience in the business of transporting passengers by commercial motor vehicles and will continue to operate the service as it has been conducted in the past.

Transferee is a new corporation that has \$10,000 in cash on hand or in the bank. Transferor indicates that she will advance whatever additional funds may be needed by the corporation to support the service once it is transferred. Her unaudited balance sheet as of April 15, 2012, attached to the application as Exhibit B, discloses a net worth of \$410,000.

Transferor is not currently authorized to publish zone of rate freedom (ZORF) fares in her tariff on file with the Commission. Transferee requests authority to establish a ZORF of \$15 above and below fares of \$30 and under and \$25 above and below fares over \$30. It will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in its service area. This highly competitive environment should result in Transferee pricing its services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 23, 2012.

In Resolution ALJ 176-3293 dated May 10, 2012, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3293.

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.

Assignment of Proceeding

Emory J. Hagan, III is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor holds a PSC certificate granted by D.04-08-035 that authorizes on-call service (1) between points in Alameda, San Mateo, San Joaquin, and Santa Clara Counties, on the one hand, and SFO, OAK, SJC, and SMF, on the other hand; and (2) between points in Contra Costa, Marin, San Francisco, and Solano Counties, on the one hand, and SFO, OAK, and SJC, on the other hand.

2. The application requests approval to transfer the PSC authority to Transferee.

3. The proposed transfer will not be adverse to the public interest.

4. Transferee requests authority to establish a ZORF of \$15 above and below fares of \$30 and under and \$25 above and below fares over \$30.

5. Transferee will compete with PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in its operations. The ZORF is fair and reasonable.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. 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. The proposed transfer is in the public interest and should be authorized.

2. The request for a ZORF should be granted.

3. Before Transferee changes any fares under the ZORF authorized below, Transferee should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

4. Since the matter is uncontested, the decision should be effective on the date it is signed.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Monika Latigue (Transferor), an individual, may transfer the operative rights specified in this application to American Shuttle Exp Inc (Transferee), a corporation, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service within 120 days after this decision is effective, adopt Transferor's tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective ten or more days after this decision is effective and allow at least ten days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - g. Enroll all drivers in the pull notice system as required by Vehicle Code § 1808.1.
- 3. Transferee is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$15 above and below the proposed fares of \$30 and under and \$25 above and below fares over \$30.
- 4. Transferee shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.
- 5. Transferee may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.
- 6. In addition to posting and filing tariffs, Transferee shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.
- 7. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee 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 Transferee's vehicles for service.
- 8. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision 04-08-035 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 7.

9. The CPCN to operate as PSC-29083, granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated September 13, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-29083

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.

Supersedes the authority heretofore granted to Monika Latigue,
an individual, by Decision 04-08-035.

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

This certificate supersedes all passenger stage operative authorities granted to Monika Latigue, an individual.

American Shuttle Exp Inc, a corporation, 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 the points described in Section II, over the routes 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 shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- 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.

SECTION II. SERVICE AREA.

- A. Points in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, San Joaquin, Santa Clara, and Solano.
- B. San Francisco International Airport (SFO).
Oakland International Airport (OAK).
San Jose International Airport (SJC).
Sacramento International Airport (SMF).

SECTION III. ROUTE DESCRIPTIONS.

Route 1

Commencing from any point in Alameda, San Joaquin, San Mateo, or Santa Clara County, then over the most convenient streets and highways to any airport described in Section IIB.

Route 2

Commencing from any point in Contra Costa, Marin, San Francisco, or Marin County, then over the most convenient streets and highways to SFO, OAK, or SJC.