

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pratibha India, a California corporation, dba KIDZJET for a Certificate of Public Convenience and Necessity to provide on-call, door-to-door Passenger Stage Service to unaccompanied children between the ages of 4 - 17 years, and their activity equipment between points in the Cities of Burlingame, San Mateo, Foster City, San Carlos, Atherton, Redwood City, within the County of San Mateo; and to establish a Zone of Rate Freedom.

Application 13-07-008  
(Filed July 16, 2013)

**D E C I S I O N   G R A N T I N G   A P P L I C A T I O N**

**Summary**

This decision grants the application of Pratibha India, a California corporation, doing business as KIDZJET pursuant to Pub. Util. Code § 1031 et seq., for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

**Discussion**

Pratibha India, a California corporation, doing business as KIDZJET, (Applicant), by its application and as supplemented by correspondence, requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport children to and from school and after-school activities from various points within the county of San Mateo. Applicant is an S- corporation duly organized and in “Goodstanding” under the Laws of the State of California. Applicant is a non-

profit that has been raising money for children's education for about twelve years. The principal officer (Director) of Applicant is a parent and a resident of San Mateo County. Applicant will operate the service with a fleet of five 10-passenger vans. Applicant states all vehicles will be fully automatic, air-conditioned, fully insured, and meet or exceed all safety requirements. Only Transportation Charter Party-licensed subcontractors will be hired. Applicant will perform two round-trips per van per day, on-call, door-to-door basis, 5 AM to 10 PM, seven days per week, 365 days a year. A 24-hour reservation is required to guarantee service, and to prevent any inconvenience to other passengers. The proposed one-way fare ranges from \$11.25 to \$15.25, and Applicant requests a Zone of Rate Freedom (ZORF) of \$5 above and below the proposed fares. The minimum allowed fare is \$6.25.

Applicant states that its proposed passenger stage service will help reduce traffic congestion in its service territory and fill a demand for school and after-school activity based transportation. Applicant states that granting this application will have no adverse impact on the human environment, but would rather encourage the public to share ride and reduce congestion on the highways.

To meet the financial requirements for filing a PSC application, applicant submitted a balance sheet as of March 26, 2013 indicating total assets of \$263,000, total liabilities of \$146,000, and net worth of \$117,000.

Decision (D.) 97-07-063 in Rulemaking 95-08-002 adopted rules applicable to carriers primarily engaged in the transportation of unaccompanied children<sup>1</sup>

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<sup>1</sup> The term "unaccompanied children" as used in D.97-07-063 includes transportation of an affiliated adult accompanying a child during, or incidental to, the transportation at issue.

under the age of 18 years in vehicles that accommodate not more than ten persons. These rules, contained in Appendix A of the decision, are applicable to the requested service of Applicant, and are in addition to any other requirements that apply to all PSCs.

In accordance with the requirements of Appendix A of D.97-07-063, Applicant's Chief Executive Officer (CEO) and key personnel shall have their names entered into the TrustLine Registry<sup>2</sup> prior to issuance of the PSC certification. Under our rules, any future drivers or personnel coming into physical contact with infant and children passengers will also have to be registered with the TrustLine.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 18, 2013. Applicant sent a notice of the application to the involved cities and public transit operators in San Mateo County. Additionally, in compliance with Ordering Paragraphs Nos. 7 and 8 of D.97-07-063, Applicant filed a Certificate of Service on July 16, 2013 indicating it notified each pediatric health director in the service territory of the application. Applicant also filed a Certificate of Service on July 16 and September 9, 2013 indicating it notified each public school superintendent in the service territory of the application. On August 6 and 7, 2013 it had a notice published in the San Mateo Daily Journal, a newspaper of general circulation.

In Resolution ALJ 176-3318, dated July 25, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily

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<sup>2</sup> The TrustLine Registry is a screening program of caregivers administered by the state Department of Social Services and the nonprofit California Child Care Resource and Referral Network. Caregivers registered with the TrustLine have been fingerprinted and have cleared a criminal background check by the state Department of Justice.

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 176-3318.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Safety Considerations**

In order to be authorized to commence operations as a PSC, the applicant must comply with the following requirements in order to protect public safety: Proof of insurance per General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

### **Assignment of Proceeding**

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

### **Findings of Fact**

1. Applicant requests authority to operate as an on-call PSC to transport children between various points in the county of San Mateo.
2. Public convenience and necessity requires the proposed service.
3. The rules and regulations for the transportation of children contained in Appendix A of D.97-07-063 are applicable to the service involved in this application.
4. Applicant has complied with the notice requirements prescribed in Ordering Paragraphs Nos. 7 and 8 of D.97-07-063.

5. Applicant requests authority to establish a ZORF of \$5 above and below the proposed fares. The minimum allowed fare is \$6.25.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. Proposed service will reduce the number of vehicles on the public highways in San Mateo County therefore it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request for a ZORF should be granted because the ZORF is fair and reasonable.

3. Before Applicant changes any fares under the ZORF authorized below, Applicant 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. Because the matter is uncontested, the decision should be effective on the date it is signed.

5. 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 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 Pratibha India, a California corporation, dba KIDZJET, authorizing it to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport unaccompanied children under the age of 18 years and affiliated adults who are being transported in accordance with the rules and regulations contained in Appendix A of Decision 97-07-063, and their baggage, between the points and over the routes set forth in Appendix PSC-31404, subject to the conditions contained in the following paragraphs.

2. Pratibha India, a California corporation, dba KIDZJET, shall:
- a. File a written acceptance of this certificate within 30 days after this decision is effective.
  - b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
  - c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
  - d. Comply with Commission's General Orders Series 101 and 158, and the California Highway Patrol safety rules.
  - e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
  - f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.
- i. Comply with the "Adopted Rules for Infant and Children Common Carriers" contained in Appendix A of Decision 97-07-063.

3. Pratibha India, a California corporation, dba KIDZJET, is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom of \$5 above and below the proposed fares.

4. Pratibha India, a California corporation, dba KIDZJET, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Pratibha India, a California corporation, dba KIDZJET, may make changes within the Zone of Rate Freedom 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, Pratibha India, a California corporation, dba KIDZJET, shall post notices explaining fare changes in its schools and school facilities and its 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 a at least thirty days.

7. Pratibha India, a California corporation, dba KIDZJET (Applicant), is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other

documents required by Ordering Paragraph No. 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. The Certificate of Public Convenience and Necessity to operate as Passenger State Corporation PSC-31404, granted herein, expires unless exercised within 120 days after the effective date of this decision.

9. The Application is granted as set forth above.

10. This proceeding is closed.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

SED/rff

Appendix PSC-31404  
(CHILD-31404<sup>♦</sup>)

Pratibha India  
dba Kidzjet  
(a California corporation)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-31404

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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<sup>♦</sup>Each vehicle shall contain this identifying symbol on its front and rear bumpers,  
visible at a minimum of 100 feet in accordance with the rules contained in Appendix A  
of Decision 97-07-063.

Issued under authority of Decision 13-XX-XXX, dated \_\_\_\_\_, of the Public  
Utilities Commission of the State of California in Application 13-07-008.

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♦Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

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

Pratibha India dba Kidzjet, a California corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to operate as an on-call, door-to-door passenger stage corporation specializing in the transportation of children 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. Unaccompanied children under 18 years of age and their baggage may be transported, provided that children under four years of age shall be accompanied by a parent, guardian, parent or guardian approved family member, or an adult supervisor. If the adult supervisor is affiliated with the carrier, that person shall have been approved in writing by the parent or guardian
- B. Adults affiliated with children passengers may be transported when the transportation is incidental to the transportation of a child. This includes adults being carried directly to pick up a child to be transported, or directly to return from accompanying a child.

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<sup>♦</sup>Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

- C. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- D. 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.
- E. Service shall be provided only at the points named in Section II.

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<sup>♦</sup>Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

SECTION II. SERVICE AREA.

Various points in the cities of Burlingame, San Mateo, Foster City, San Carlos, Atherton, Redwood City in San Mateo County.

SECTION III. ROUTE DESCRIPTION.

From any point in Section II, then over the most convenient streets and highways to any other point in Section II.

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♦Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.