

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Chainchal S. Uppal, dba California Express Shuttle to expand his existing passenger stage corporation authority PSC 30201 to serve the Counties of San Francisco, Contra Costa, Solano, Napa, Marin, Sonoma, San Joaquin and Sacramento, (2) grant a ZORF (zone of rate freedom) for all fares authorized and (3) grant the fares requested herein and authorize increases of the fares to and from presently authorized Counties.

Application 13-12-007
(Filed December 5, 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 Chainchal S. Uppal doing business as California Express Shuttle (Applicant), an individual, pursuant to Pub. Util. Code §§ 1031, et seq., to expand its Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226. Applicant is authorized to increase rates for Alameda, San Mateo and Santa Clara Counties, apply the rates proposed for the expanded service in the application, and to apply a Zone of Rate Freedom of \$25 above and below the proposed fares pursuant to Pub. Util. Code § 454.2.

Discussion

Chainchal S. Uppal doing business as California Express Shuttle (Applicant), currently is authorized pursuant to Decision (D.) 13-08-007 to transport passengers and their baggage on an on-call basis between cities in

Alameda, San Mateo, and Santa Clara Counties to San Francisco International (SFO), Oakland International (OAK) and San Jose International (SJC) Airports. The application requests authority to expand the on-call Passenger Stage Corporation (PSC) authority for additional cities in Solano, Napa, Marin, Sonoma, San Joaquin, Contra Costa, Sacramento Counties and the City and County of San Francisco. A California Environmental Quality Act review is not required because approval of the application will not have a significant adverse effect on the environment. The application also proposes increased fares for Alameda, San Mateo, and Santa Clara Counties, and new fares for the expanded service.

Applicant reports that SFO, OAK, and SJO experience increasing demand for on-call PSC service to points beyond his currently authorized service territory. Applicant indicates it has the experience and ability to operate the requested service. Attached to the application as Exhibit D is Applicant's unaudited balance sheet as of November 28, 2013, which discloses assets of \$442,000, liabilities of \$147,000, and equity of \$295,000.

The proposed fares for the expanded service are listed in Exhibit B of the application. Proposed fares range from \$55 (San Mateo County to SFO) to \$300 (Sacramento County to SJO). Applicant requests authority to create a Zone of Rate Freedom (ZORF) of \$25 above and below the proposed fare to the current and expanded service. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its service area. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 16, 2013. Applicant served a notice of the application to the affected airports, cities and counties, and transit authorities.

In Resolution ALJ 176-3328, dated December 19, 2013, 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 176-3328.

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.

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.

Assignment of Proceeding

Denise Y. Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant operates as an on-call PSC pursuant to D.13-08-007 between points in Alameda, San Mateo, and Santa Clara Counties and SFO, OAK, and SJC.
2. The application requests authority to expand Applicant's PSC authority to include service between cities in Solano, Napa, Marin, Sonoma, San Joaquin,

Contra Costa, and Sacramento Counties, the City and County of San Francisco, and SFO, OAK, and SJC.

3. The application also requests an increase in fares for Alameda, San Mateo and Santa Clara Counties and to apply new fares for the expanded service.

4. The application requests authority to establish a ZORF of \$25 above and below the proposed fare.

5. Applicant will compete with PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its operations.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. A California Environmental Quality Act review is not required for this decision because 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 to apply to the current and expanded service a ZORF of \$25 above and below the proposed fare should be granted because the ZORF is fair and reasonable.

3. Before Applicant changes any fares under the authorized ZORF, Applicant should be required to 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.

O R D E R

IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity granted to Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), an individual, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-30201 of Decision 13-08-007, is revised by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following Ordering Paragraphs.

2. Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded 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 General Orders Series 101 and 158, and the California Highway Patrol 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. 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.

f. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), is authorized to apply a Zone of Rate Freedom of \$25 above and below the proposed fare.

4. Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), 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 authority to apply the ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), may make changes within the Zone of Rate Freedom by filing amended tariffs with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. 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, Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), 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. Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), (Applicant), is authorized to begin operating the expanded service 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 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to San Francisco International Airport, Oakland International Airport and San Jose International Airport, Chainchal S. Uppal, dba California Express Shuttle (PSC-30201), (Applicant), shall notify each airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by each airport's governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation - 30201, granted herein, expires 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 _____, at San Francisco, California.

Commissioners

