

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Accelar, Inc. to operate as a scheduled Passenger Stage Corporation between points in San Francisco, Marin, Sonoma, Napa, Alameda, Contra Costa, Solano, San Mateo, Santa Clara, Sacramento, Yolo, Placer, El Dorado, San Joaquin, Stanislaus, Merced, and Fresno Counties in the State of California to establish a Zone of Rate Freedom for its Services.

Application 10-06-009
(Filed June 15, 2010)

**DECISION MODIFYING DECISION 11-07-035 AND APPROVING THE
MODIFICATION OF ACCELAR, INC.'S CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO OPERATE AS A PASSENGER STAGE
CORPORATION**

Summary

This decision modifies Decision 11-07-035 to permit Accelar, Inc., to provide transportation services to Levi's Stadium in Santa Clara instead of Candlestick Park in San Francisco.

This proceeding is closed.

1. Background

Decision (D.) 11-07-035, dated July 28, 2011, granted Accelar, Inc. (Accelar), a Certificate of Public Convenience and Necessity (CPCN) to operate as a Passenger Stage Corporation (PSC) to provide transportation services between fixed points in San Francisco, Marin, Sonoma, Napa, Alameda, Contra Costa, Solano, San Mateo, Santa Clara, Sacramento, Yolo, Placer, El Dorado, San Joaquin, Stanislaus, Merced, and Fresno Counties for sports events, concerts

and other public events. Specifically, this certificate authorized Accelar to travel between points to Candlestick Park, among others.¹

Accelar provided transportation service to and from Candlestick Park for the San Francisco 49ers' (49ers) home football games for the 2011, 2012, and 2013 National Football League seasons. The 49ers moved to Levi's Stadium in the City of Santa Clara at the start of the 2014 season. According to Accelar, the Commission's Safety and Enforcement Division – Transportation Enforcement Branch recommended Accelar file a petition for modification as an alternative to filing a new application to request the destination change.²

On June 20, 2014, Accelar filed a petition to modify D.11-07-035 to authorize a route change in order for Accelar to accommodate the 49ers home stadium's move from San Francisco to the City of Santa Clara. There is no opposition to the petition for modification. No protests or responses to the petition were filed.

On June 20, 2014, Accelar also filed a motion to shorten the time for parties to respond to Accelar's petition for modification. As it has been more than 30 days since the motion was filed, Accelar's motion to shorten response time is now moot.

¹ Other authorized destinations include AT&T Park in San Francisco, University of California Memorial Stadium in Berkeley, the Oakland/Alameda County Coliseum in Oakland, and the HP Pavilion in San Jose.

² Petition of Accelar, Inc., for Modification of D.11-07-035 Granting Accelar, Inc., a Certificate of Public Convenience and Necessity to Operate As a Passenger Stage Corporation, June 20, 2014, at 2.

2. Discussion

It is reasonable and in the public interest to approve Accelar's request to modify its route and destination to accommodate the 49ers' move from San Francisco to the City of Santa Clara.

First, Accelar's PSC services further the Commission's interest in curbing greenhouse gas emission. As argued in Accelar's original application for a CPCN to operate as a PSC, Accelar's services result in the reduction of individual passenger vehicles using the regional highways and contribute to the reduction of carbon dioxide and other greenhouse gases in the atmosphere.

Second, permitting this modification does not expand Accelar's authority under its original certificate. The stipulation with the City and County of San Francisco will remain in effect, as required by D.11-07-035. Also, Accelar is not seeking authority to provide additional services. Instead, Accelar is replacing one previously authorized destination with another.

Lastly, even though Accelar's petition was filed more than one year after D.11-07-035 granted Accelar, Inc. a CPCN to operate as a PSC, Accelar's petition is reasonable. Accelar's petition arose from the independent actions taken by the 49ers franchise and the City of Santa Clara more than one year after the issuance of D.11-07-035. As a responsive measure, Accelar is not attempting to circumvent procedural safeguards, but is instead responding to a changed market condition.

3. Comments on Proposed Decision

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.

4. Assignment of Proceeding

Michael P. Florio is the assigned Commissioner and S. Pat Tsen is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The proposed modifications to Accelar's CPCN to operate as a PSC is in response to the 49ers' move from Candlestick Park in San Francisco to Levi's Stadium in the City of Santa Clara.

2. The proposed modification will not expand Accelar's authority to operate as a PSC.

3. Accelar's Motion to Shorten Time to Respond to Accelar's Petition for Modification of D.11-07-035 was filed more than 30 days ago on June 15, 2010.

4. Due to the 49ers' move to Levi's Stadium in the City of Santa Clara in 2014, Accelar filed its petition for modification more than 12 months after D.11-07-035 granted Accelar a CPCN to operate as a PSC.

Conclusions of Law

1. Accelar, Inc.'s, Motion to Shorten Time to Respond to Accelar, Inc., Petition for Modification of D.11-07-035 is moot.

2. Accelar's petition is reasonable and in the public interest.

3. Accelar's petition for modification of D.11-07-035 should be granted.

4. "Levi's Stadium (City of Santa Clara)" should replace "Candlestick Park (City and County of San Francisco)" in Section II, Service Area, Part A of Appendix PSC-26666 to D.11-07-035.

5. The Candlestick Park routes listed in Section III, Route Descriptions of Appendix PSC-26666 to D.11-07-035 should be replaced with:

“Levi’s Stadium Routes

Contra Costa/Alameda Counties

Commencing from Concord and San Ramon, then to Levi’s Stadium via Highways 680, 880 and 237.

San Joaquin/Alameda Counties

Commencing from Modesto and Pleasanton, then to Levi’s Stadium via Highways 99, 205, 580, 680, 880 and 237.

Sacramento/Yolo Counties

Commencing from Sacramento and Fairfield, then to Levi’s Stadium via Highways 80, 680, 880 and 237.

San Mateo County # 1

Commencing from Burlingame and San Carlos, then to Levi’s Stadium via Highways 101 and 237.

San Mateo County #2

Commencing from Millbrae and San Mateo, then to Levi’s Stadium via Highways 101 and 237.

Santa Clara County# 1

Commencing from South San Jose and Central San Jose, then to Levi's Stadium via Highways 101 and 237.

Santa Clara County #2

Commencing from Los Altos and Mountain View, then to Levi’s Stadium via Highways 85 and 237.

San Francisco County # 1

Commencing from San Francisco Fisherman's Wharf and San Francisco Civic Center, then to Levi's Stadium via Highways 101 and 237.

San Francisco County #2

Commencing from San Francisco Balboa Park and Colma, then to Levi's Stadium via Highways 101 and 237.

San Francisco #3

Commencing from San Francisco Presidio and San Francisco State University, then to Levi's Stadium via Highways 280, 101 and 237.

Alameda County

Commencing from Fremont and Milpitas, then to Levi's Stadium via Highways 880 and 237."

O R D E R

IT IS ORDERED that:

1. Accelar, Inc.'s, petition for modification of Decision 11-07-035 is granted.
2. Section II.A (Service Area) of Appendix PSC-26666 to Decision 11-07-035 is modified to replace "Candlestick Park (City and County of San Francisco)" with "Levi's Stadium (City and County of Santa Clara)."
3. Section III (Route Descriptions) of Appendix PSC-26666 to Decision 11-07-035 is modified to replace the Candlestick Park routes with:

"Levi's Stadium Routes

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Commencing from San Francisco Presidio and San Francisco State University, then to Levi's Stadium via Highways 280, 101 and 237.

Alameda County

Commencing from Fremont and Milpitas, then to Levi's Stadium via Highways 880 and 237."

4. Application 10-06-009 is closed.

This order is effective today.

Dated _____, at Bakersfield, California.