

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Rajinder Kaur, dba Tri-Valley Airporter (PSC 26246) for Authority (1) to increase Tariff Rates in the Counties of Alameda, Contra Costa, San Mateo, Santa Clara and the San Francisco and Oakland International Airports, and (2) to Extend its service area to include Marin, Napa, Sacramento, San Joaquin, Santa Cruz, and Solano Counties and the Sacramento International Airport in accordance with its Zone of Rate Freedom (ZORF).

Application 14-09-014
(Filed September 23, 2014)

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 Rajinder Kaur, doing business as Tri-Valley Airporter, 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, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

Discussion

Rajinder Kaur, doing business as Tri-Valley Airporter (Applicant), provides an on-call Passenger Stage Corporation (PSC) service under a certificate acquired by transfer in Decision (D.) 10-05-042. The certificate authorizes the transportation of passengers and their baggage between points in the Counties of Alameda, Contra Costa, and San Francisco, and the San Francisco International (SFO), Oakland International (OAK), and the San Jose International (SJC) Airports. The application requests authority to expand the on-call PSC authority

to include certain points in the Counties of Santa Clara, San Mateo, Marin, Napa, Sacramento, San Joaquin, Santa Cruz and Solano and the Sacramento International Airport (SMF). The application also proposed increased fares for Alameda, Contra Costa and San Francisco Counties, and new fares for the expanded service, as well as authority to establish a Zone of Rate Freedom (ZORF).

Applicant states its service will benefit the commuter population by providing another source of transportation which will provide shared ride service to airports, and believes the reduction of commuter vehicles supports ongoing effort to reduce human and environmental exposure to air pollution. A California Environmental Quality Act review is not required because approval of the application will not have a significant adverse effect on the environment.

Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of May 15, 2014, which discloses assets of \$37,500, liabilities of \$9,500, and net worth of \$28,000.

The proposed fares, listed in Exhibit B of the application, range between \$45 (Atherton to SJC) and \$250 (Santa Cruz to SFO). Applicant seeks to establish a ZORF of \$25 above and below proposed fares, with a minimum fare of \$20 per adult. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations. 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 September 24, 2014. Applicant served a notice of the application to the affected airports, cities, and counties, and transit authorities.

In Resolution ALJ 176-3343, dated October 2, 2014, 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 176-3343.

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 pursuant to 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

Elizaveta Malashenko assumed the assigned Examiner role from Denise Tyrrell in this proceeding on February 20, 2015.

Findings of Fact

1. Applicant operates as an on-call PSC pursuant to D. 10-05-042 between certain points in the Counties of Alameda, Contra Costa, and San Francisco, and SFO, OAK, and SJC international airports.
2. The application requests authority to expand Applicant's PSC certificate to include service between certain points in the Counties of Santa Clara, San Mateo, Marin, Napa, Sacramento, San Joaquin, Santa Cruz and Solano and the Sacramento International Airport (SMF).

3. D.10-05-042 did not authorize the Applicant to establish a ZORF.
4. Applicant requests to establish a ZORF of \$25 above and below the proposed medium fare for any route. The minimum fare will be \$20.
5. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations.
6. Applicant served a notice of the application to the affected airports, cities, counties, and transit authorities.
7. No protest to the application has been filed.

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 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. A public hearing is not necessary.
5. 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.
6. 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 by Decision 10-05-042 to Rajinder Kaur, dba Tri-Valley Airporter, an individual, authorizing her 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-26246 of Decision 10-05-042, is revised by replacing Original Page 3 with First Revised Page 3, below, subject to the conditions contained in the following Ordering Paragraphs.

2. Rajinder Kaur, dba Tri-Valley Airporter, 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 (CHP) 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.
- h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Rajinder Kaur, dba Tri-Valley Airporter, is authorized to establish a Zone of Rate Freedom for its current and expanded services of \$25 above and below the proposed medium fare for any route. The minimum fare is \$20.

4. Rajinder Kaur, dba Tri-Valley Airporter, 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. Rajinder Kaur, dba Tri-Valley Airporter, 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, Rajinder Kaur, dba Tri-Valley Airporter, shall post notices explaining fare changes in their 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. Rajinder Kaur, dba Tri-Valley Airporter (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 any airport Rajinder Kaur, dba Tri-Valley Airporter (Applicant), shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airports' governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC-26246), 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

* SECTION II. SERVICE AREA.

- A. Points and places in the Counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, Marin, Napa, Sacramento, San Joaquin, Santa Cruz, 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.

Commencing from any point described in Section IIA, then over the most convenient streets and highways to the airport described in Section IIB.