

Decision 11-10-035 October 20, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of El Corre Caminos, Inc., dba El Corre Caminos (PSC-19204), to amend and expand its PUC authority to operate as a Passenger Stage Corporation to include points of service in San Diego, San Bernardino, Los Angeles and Riverside counties.

Application 11-05-026
(Filed May 20, 2011)

D E C I S I O N

Summary

This decision grants the application of El Corre Caminos, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., to expand its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is authorized by Decision (D.) 06-02-022 to transport passengers and their baggage as a scheduled PSC between San Ysidro, Temecula, Perris, Moreno Valley, Pomona, and Fontana. In conjunction with this service, passengers who are traveling from San Ysidro to Pomona or Fontana may be dropped off in surrounding communities on an on-call basis.

The application requests authority to expand the PSC authority to add 14 scheduled routes in San Diego, Riverside, San Bernardino, and Los Angeles Counties. The terminus for seven of the routes will be San Ysidro, a community within the City of San Diego adjoining the United States–Mexico border. One of these routes will travel to Otay Mesa, another border crossing within San Diego.

Of the other new routes, five will terminate in Fontana and two in Perris. Service between San Ysidro and Otay Mesa will be conducted four times daily while the other services will operate either once or twice each day.

The one way adult fares will range between \$6 (San Ysidro – Otay Mesa) and \$40 (San Ysidro – Victorville). Applicant holds a zone of rate freedom (ZORF) which authorizes fare adjustments of up to 25% above and 15% below its baseline fares.¹ The proposed fares will be baseline fares for purposes of applying the existing ZORF.

Applicant believes there is a need for the proposed expanded services. It receives requests from the public for these services, but is unable to provide them under its current operating certificate. Applicant advises that more and more people are traveling to and from the San Ysidro and Otay Mesa border crossings. One benefit of the additional services will be to reduce the number of times a passenger would otherwise have to transfer between services to travel to these points.

Applicant states it is adequately financed, possesses the necessary experience, and will have the motor vehicle equipment needed to operate at the new points of service. It utilizes eight full-size buses and two vans in its present operation. Attached to the application as Exhibit A is an unaudited balance sheet as of December 31, 2010, that discloses assets of \$496,478, liabilities of \$287,991, and net worth of \$208,487.

¹ The ZORF was originally granted by D.99-11-012 to Jose Luis Ayala-Aroche when El Corre Caminos was being operated as a sole proprietorship. D.06-02-022 approved an application to transfer the PSC certificate to Applicant, which Ayala-Aroche and his immediate family own. The transfer authorized by D.06-02-022 included the ZORF granted to Ayala-Aroche by D.99-11-012.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 27, 2011. Applicant sent a notice of the application to the affected cities and counties.

In Resolution ALJ 176-3275 dated June 9, 2011, 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 176-3275.

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

Michelle Cooke is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant operates as a scheduled PSC transporting passengers between San Ysidro, Temecula, Perris, Moreno Valley, Pomona, and Fontana.
2. In conjunction with its scheduled service, Applicant provides an on-call drop-off service for passengers traveling from San Ysidro to points in the vicinities of Fontana and Pomona.
3. The application requests authority to expand the PSC operation to include service to additional points in San Diego, San Bernardino, Los Angeles, and Riverside Counties.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. 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. Public convenience and necessity has been demonstrated and the request to expand the PSC certificate should be granted.
2. 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. The certificate of public convenience and necessity (CPCN) granted to El Corre Caminos, Inc. (Applicant), a corporation, authorizing it 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-19204 of Decision 06-02-022 is revised by replacing Original Pages 1, 3, and 4 with First Revised Pages 1, 3, and 4, and adding Original Pages 5 and 6, subject to the conditions contained in the following paragraphs.

2. Applicant 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. They 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.
- 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. Applicant is authorized to begin operating the expanded service on the date that the Consumer Protection and Safety 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 CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The revised CPCN to operate as PSC-19204, granted herein, expires unless exercised within 120 days after the effective date of this decision.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This decision is effective today.

Dated October 20, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

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* Revised by Decision 11-10-035, Application 11-05-026.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS (CONTINUED).

- e. 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.
- f. The transportation of express shall be on passenger-carrying vehicles and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.
- g. Routes may be joined at common service points.

*SECTION II. SERVICE AREAS.

- A. Communities of San Ysidro and Otay Mesa in the City of San Diego.
- B. Cities of Colton, Fontana, Hemet, Los Angeles, Moreno Valley, Palm Springs, Perris, Pomona, San Diego, and Temecula.
- C. Fontana-Pomona Service Area, which includes Bloomington, Chino, Claremont, Colton, Fontana, Mira Loma, Montclair, Ontario, Pomona, Rancho Cucamonga, Rialto, Riverside, San Bernardino, and Upland.

*SECTION III. ROUTE DESCRIPTIONS.

Scheduled Service

Route 1. San Ysidro - Otay Mesa

Commencing from San Ysidro, then over the most convenient streets and highways to Otay Mesa.

*SECTION III. ROUTE DESCRIPTIONS (CONTINUED).

Route 2. San Ysidro-San Diego

Commencing from San Ysidro, then over the most convenient streets and highways to San Diego.

Route 3. San Ysidro-Hemet

Commencing from San Ysidro, then over the most convenient streets and highways to Hemet.

Route 4. San Ysidro-Palm Springs

Commencing from San Ysidro, then over the most convenient streets and highways to Palm Springs.

Route 5. San Ysidro-Victorville

Commencing from San Ysidro, then over the most convenient streets and highways to Victorville.

Route 6. San Ysidro-Los Angeles

Commencing from San Ysidro, then over the most convenient streets and highways to Los Angeles.

Route 7. San Ysidro-Colton

Commencing from San Ysidro, then over the most convenient streets and highways to Colton.

Route 8. Fontana-San Diego

Commencing from Fontana, then over the most convenient streets and highways to San Diego.

Route 9. Fontana-Los Angeles

Commencing from Fontana, then over the most convenient streets and highways to Los Angeles.

*SECTION III. ROUTE DESCRIPTIONS (CONTINUED).

Route 10. Fontana-Colton

Commencing from Fontana, then over the most convenient streets and highways to Colton.

Route 11. Fontana-Palm Springs

Commencing from Fontana, then over the most convenient streets and highways to Palm Springs.

Route 12. Fontana-Victorville

Commencing from Fontana, then over the most convenient streets and highways to Victorville.

Route 13. Perris-Hemet

Commencing from Perris, then over the most convenient streets and highways to Hemet.

Route 14. Perris - Palm Springs

Commencing from Perris, then over the most convenient streets and highways to Palm Springs.

Route 15. San Ysidro/Otay Mesa - Fontana (Northbound)

Commencing from San Ysidro/Otay Mesa, then over the most convenient streets and highways to Temecula, Perris, Moreno Valley, Pomona, and Fontana. (See Note.)

Route 16. Perris - San Ysidro/Otay Mesa (Southbound)

Commencing only from Perris, Pomona, or Fontana, then over the most convenient streets and highways to Temecula, Moreno Valley, and San Ysidro/Otay Mesa. (See Note.)

*SECTION III. ROUTE DESCRIPTIONS (CONCLUDED).

Note: Carrier is authorized to transport passengers in scheduled service between Perris, Pomona, and Fontana without having to transport such passengers to or from San Ysidro or Otay Mesa.

On-Call Service

In conjunction with scheduled service, carrier is authorized to unload passengers on an on-call basis at points in the Fontana-Pomona Service Area as described in Section IIC. This service is only available to passengers who embark at San Ysidro or Otay Mesa.