

Decision 05-10-034 October 27, 2005

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

Application of Alan Erwin Jr., Anita Erwin and Michael Erwin, doing business as Care-A-Van for authority to operate as a Passenger Stage Corporation on call between the points of Greater Sacramento, Sacramento SMF, Marysville, Roseville, Yolo County, Vacaville and San Francisco Airport.

Application 05-06-033  
(Filed June 21, 2005)

**O P I N I O N**

**Summary**

This decision grants the application of Alan Erwin Jr., Anita Erwin, and Michael Erwin (Applicants), a partnership, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

**Discussion**

The application, as amended by letters dated September 9 and 27, 2005, requests authority to operate as an on-call PSC to transport passengers and their baggage between certain communities and points in Placer, Sacramento, Solano, Yolo, and Yuba Counties, on the one hand, and San Francisco (SFO) and Sacramento (SMF) International Airports, on the other hand. The service points include Beale and Travis Air Force Bases.

Applicants desire to provide a transportation service at reasonable fares to communities that are currently underserved. They will focus their marketing on the elderly and disabled, including providing public and private agencies that

assist the disabled with information about their service. Applicants' vehicles will be equipped with wheelchair lifts. Transportation Officers at Beale and Travis Air Force Bases will also be contacted. One of Applicants' partners has a military background which he believes will facilitate Applicants' ability to accommodate the transportation needs of military personnel.

Applicants have funded the operation with \$200,000 cash, part of which has already been used to purchase two new vans. Applicants expect to serve 720 passengers in their first quarter of operation and to expand that to 3,000 passengers by the final quarter of the first year of business. Gross revenue for the first year is projected at \$300,000 to \$400,000. Proposed fares range between \$16 (Woodland - SMF) and \$135 (Roseville - SFO).

Notice of filing of the application appeared in the Commission's Daily Calendar on June 23, 2005. Applicant served a notice of the application to the affected cities, counties, airports, and transit agencies.

In Resolution ALJ 176-3155, dated June 30, 2005, 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 176-3155.

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**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. The application requests authority to operate as an on-call PSC to transport passengers and their baggage between certain communities and points in Placer, Sacramento, Solano, Yolo, and Yuba Counties, on the one hand, and SMF and SFO, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. 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 application, as amended, should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. 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 the monopoly feature of these rights at any time.

## **O R D E R**

### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity (CPCN) is granted to Alan Erwin Jr., Anita Erwin, and Michael Erwin (Applicants), a partnership, authorizing them 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-19205, subject to the conditions contained in the following paragraphs.

2. Applicants shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, 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. Applicants are authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicants that their 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 Applicants' vehicles for service.

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

5. The CPCN to operate as PSC-19205, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.
7. This proceeding is closed.

This order is effective today.

Dated October 27, 2005, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
DIAN M. GRUENEICH  
JOHN A. BOHN  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-19205

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

Alan Erwin Jr., Anita Erwin, and Michael Erwin, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, are authorized to transport passengers and their baggage on an "on-call" basis 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. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. 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.
- C. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- D. 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.

SECTION II. SERVICE AREA.

- A. Beale Air Force Base
  - Davis
  - Dixon
  - Fairfield
  - Marysville
  - Natomas
  - Roseville
  - Sacramento
  - Travis Air Force Base
  - Vacaville
  - West Sacramento
  - Winters
  - Woodland
  
- B. Sacramento International Airport (SMF)  
San Francisco International Airport (SFO)

SECTION III. ROUTE DESCRIPTION

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