

Decision 09-04-024 April 16, 2009

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

Application of Kass Hall LLC for authority to operate as a for-profit scheduled passenger stage corporation between points in Berkeley and San Francisco.

Application 08-08-027  
(Filed August 27, 2008)

**D E C I S I O N**

**Summary**

This decision grants the application of Kass Hall, LLC (Applicant), a limited liability company, 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 requests authority to operate as a scheduled PSC to transport passengers between Berkeley and San Francisco. The service will cater to students attending the University of California at Berkeley (UC) who wish to enjoy the nightlife that San Francisco offers. Applicant states that Bay Area Rapid Transit System (BART) service between these points is not convenient for students because (1) the BART station is a 1.3 mile walk from where Applicant will pick up and drop off passengers; (2) BART service stops too early, and (3) surveys conducted by Applicant disclosed that many students feel uncomfortable when riding BART. Taxi service is another option, but it is expensive unless students travel in a group (which they do not always find convenient).

Applicant believes its service will benefit students by providing a safe, convenient, and inexpensive means of visiting San Francisco bars, dance clubs, and other establishments. They will also enjoy the social atmosphere of traveling with other students they may not have known beforehand.

Applicant's two principals are third and fourth year students at UC. They have prior experience operating their own small businesses. Applicant plans to bring one or two advisors on board who have transportation industry experience. It will utilize one 21-passenger minibus. Professional drivers with at least five years' driving experience will be employed. Attached to the application as Exhibit 4B is Applicant's balance sheet that discloses assets of \$6,000, liabilities of \$210, and net worth of \$5,790.

The proposed service will operate on Tuesday, Thursday, Friday, and Saturday. The fare will be either \$10 or \$15, depending on the day and time. (The \$15 fare applies to certain Friday and Saturday runs.)

Notice of filing of the application appeared in the Commission's Daily Calendar on September 15, 2008. Applicant served notice of the application to the involved city and county offices, and the public transit operators and transportation planning agency in the service area.

In Resolution ALJ 176-3221 dated September 18, 2008, 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 176-3221.

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 a scheduled PSC to transport passengers and their baggage between Berkeley and San Francisco.
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 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. A certificate of public convenience and necessity (CPCN) is granted to Kass Hall, LLC (Applicant), a limited liability company, 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-24674, subject to the conditions contained in the following paragraphs.
2. Applicant shall:
  - a. File a written acceptance of this certificate within 30 days after this decision is effective.

- b. Establish the authorized 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 Vehicle Code § 1808.1.

3. Applicant is authorized to begin operations 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 CPCN to operate as PSC-24674, 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 decision is effective today.

Dated April 16, 2009, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-24674

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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.

Kass Hall, LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on a scheduled 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. Service shall be operated only at the points described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission.
- C. 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. City of Berkeley
- B. City of San Francisco

SECTION III. ROUTE DESCRIPTION.

Commencing from Berkeley, then over the most convenient streets and highways to San Francisco.