

Decision 09-06-009 June 4, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Rainbow Express Kabbie 4 Kids for authority to operate under Sections 1031, 1032, & 1036 and RPP Rule 45b (1) as a passenger stage corporation with a certificate of public convenience and necessity within the boundaries of Ventura County & a portion of Los Angeles County as specified below.

Application 95-10-038
(Filed October 23, 1995)

DECISION DISMISSING APPLICATION

Summary

This decision dismisses the application of David M. Dowell and Fleur H. Dowell (Applicants), pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226.

Discussion

The application requests authority to operate as an on-call passenger stage corporation (PSC) specializing in the transportation of children between points in Ventura County and a portion of Los Angeles County. The record in this very old proceeding is sketchy, but it appears the Commission's Safety & Enforcement Division¹ (Staff) and Legal Division had concerns about Applicants' plans to transport adult passengers in addition to unaccompanied children. Those issues

¹ Safety & Enforcement Division is now called the Consumer Protection and Safety Division.

were never satisfactorily resolved. The last exchange of correspondence between Applicants and Staff was in January 2000. The only subsequent activity was a letter Staff wrote to Applicants on February 26, 2007, asking if they had any interest in pursuing this matter. No response was received.

While there may not be a complete record of the events that transpired early on in this proceeding, the lack of any meaningful activity in many years gives us ample reason to dismiss the application and close the proceeding.

Comments on Proposed Decision

The proposed decision of the Examiner in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicants request authority to operate as a PSC specializing in the transportation of children.
2. Issues of concern regarding the proposed PSC service were never resolved between Staff and Applicants.
3. Applicants have made no effort in recent years to pursue their request for a PSC certificate.
4. There is no reason to keep this proceeding open.

Conclusion of Law

1. The application should be dismissed.
2. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Application 95-10-038 filed by David M. Dowell and Fleur H. Dowell is dismissed.
2. This proceeding is closed.

This decision is effective today.

Dated June 4, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners