

Decision 10-02-026 February 25, 2010

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

Application of Holly St. James, Cordny Henry, Wynette Vance and Marlene Cheatham, a General Partnership, doing business as Taylor Transport for Authority to Operate on Fridays, Saturdays and Sundays only as a scheduled Passenger Stage Operation with Service from Sacramento, CA to and from Mule Creek State Prison in Ione, CA; and Stockton, CA to and from Mule Creek State Prison, Ione, CA; and to establish a Zone of Rate Freedom.

Application 09-07-031  
(Filed July 31, 2009)

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

**Summary**

This decision grants the application of Holly St. James, Cordny Alexander Henry, Wynette Vance, and Marlene Cheatham (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, and to establish a zone of rate freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

**Discussion**

The application, as supplemented by letter dated January 1, 2010, requests authority to operate as a scheduled PSC to transport passengers and their baggage between Sacramento and Stockton, on the one hand, and Mule Creek State Prison (Mule Creek) in Ione, on the other hand. Applicants desire to provide a transportation service to families and friends of inmates at Mule Creek.

They state some of the approximately 3,600 inmates have not had visitors in many years. According to Applicants, research has shown that visits from friends and loved ones have a positive impact on inmate programs and help to reduce recidivism. Applicants indicate that lack of transportation to Mule Creek has been a significant problem, not only for visitors, but for staff as well.

The service will operate initially on Fridays, Saturdays, and Sundays. There will be three round trips each day from Stockton and Sacramento. Applicants will utilize two 8-passenger vans. They will be assisted in the operation by partner Holly St. James' uncle, who has 27 years experience as an owner of a trucking business. The partners have made an initial investment of \$15,000 in the business.

The proposed round-trip adult fare is \$30. Applicants request authority to establish a ZORF of \$10 above and below this fare. They will compete with charter vehicles, taxicabs, and private automobiles in the service area. This competition should result in Applicants pricing their services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 4, 2009. Applicants served a notice of the application to the affected cities and counties, and Mule Creek.

In Resolution ALJ 176-3239 dated August 20, 2009, 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 176-3239.

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 Sacramento and Stockton, on the one hand, and Mule Creek in Ione, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. Applicants request authority to establish a ZORF of \$10 above and below the proposed round-trip adult fare of \$30.
4. Applicants will compete with charter vehicles, taxicabs, and private automobiles in their operations. The ZORF is fair and reasonable.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. 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. The request for a ZORF should be granted.
3. Before Applicants change any fares under the ZORF authorized below, Applicants should 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. 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 Holly St. James, Cordny Alexander Henry, Wynette Vance, and Marlene Cheatham (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-25384, 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 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. Applicants are authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$10 above and below the proposed round-trip fares described in the application.

4. Applicants shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Applicants may make changes within the ZORF 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, Applicants 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. 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.

8. 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.

9. The CPCN to operate as PSC-25384, 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 February 25, 2010, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY E. RYAN  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-25384

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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.

Holly St. James, Cordny Alexander Henry, Wynette Vance, and Marlene Cheatham, 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 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 AREAS.

- A. City of Sacramento
- B. City of Stockton
- C. Mule Creek State Prison (Ione)

SECTION III. ROUTE DESCRIPTIONS.

Route 1

Commencing from Sacramento, then over the most convenient streets and highways to Mule Creek State Prison.

Route 2

Commencing from Stockton, then over the most convenient streets and highways to Mule Creek State Prison.