

Decision 10-04-012 April 8, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Alfonso Boyer and Lourdes Boyer, dba Boyer's Charter for authority to operate as a Scheduled Charter Service Passenger Stage Operations for the Transportation of Passengers between Cabazon, California 92230 and Coachella, California 92236.

Application 10-01-025
(Filed January 27, 2010)

D E C I S I O N

Summary

This decision grants the application of Alfonso Boyer and Lourdes Boyer (Applicants), husband and wife, 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 supplemented by a letter dated March 4, 2010, requests authority to operate as a scheduled PSC to transport passengers and their baggage between points in the Coachella Valley and Cabazon. Applicants indicate the primary users of the service will be senior citizens traveling to the Indian Casino in Cabazon. They state the Coachella Valley has experienced rapid population growth in recent years, much of it in the 65 to 74 age group. The availability of the service will enable members of the senior population to enjoy a day out for entertainment and social interaction with the community. Applicants further state the service will reduce pollution and traffic congestion.

Applicants initially will operate one round trip per day, departing Coachella at 4:00 p.m. and leaving Cabazon on the return trip at 9:15 p.m. They will utilize a 15-passenger van. The round-trip fare will be \$20.

Applicants believe they have the knowledge and ability to conduct the proposed service. They do not have specific experience in the transportation field. Applicants, however, have successfully operated a construction business for the past four years in which they have had to generate new business, supervise employees, manage payroll, maintain books of account, and perform all of the other duties associated with running a business. They are confident of their ability to conduct a passenger carrier operation. Applicants' financial statement as of January 21, 2010, discloses a net worth of \$80,240.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 10, 2010. Applicant served a notice of the application to Riverside County, the affected cities, and Sunline Transit Agency.

In Resolution ALJ 176-3249 dated February 25, 2010, 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 176-3249.

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 points in the Coachella Valley and Cabazon.
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 Alfonso Boyer and Lourdes Boyer (Applicants), husband and wife, 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-26020, 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 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-26020, 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 April 8, 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-26020

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

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.

Alfonso Boyer and Lourdes Boyer, husband and wife, 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 will be operated only at the points described in Section II and over the routes described in Section III. 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. Only passengers having a point of origin or destination of Cabazon shall be transported.
- 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. Points in the cities and communities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, and Thousand Palms.

B. The community of Cabazon.

SECTION III. ROUTE DESCRIPTION.

Commencing from Coachella, then over the most convenient streets and highways to the other points named in Section IIA, then to Cabazon.