

Decision 11-03-040 March 24, 2011

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

Application of Imperial Rapid Service, Inc. dba Imperial Rapid Service for authority to operate as a for-profit scheduled passenger stage corporation between points in Calexico and El Centro.

Application 10-12-019  
(Filed December 31, 2010)

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

**Summary**

This decision grants the application of Imperial Rapid Service, Inc. (Applicant), a corporation, 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 Calexico and El Centro. Applicant indicates that demand for passenger transportation has increased in the Imperial Valley due to population growth in the area, the higher cost of gasoline, and an increase in the number of individuals who cross into the United States at the Mexicali-Calexico port of entry by foot instead of by vehicle. Many of those pedestrians seek to travel to El Centro, and particularly the Imperial Valley Mall located there. For those traveling to the mall, Applicant desires to offer an alternative to the service operated by the public transit system, Imperial Valley Transit (IVT). Applicant states that its service will offer advantages over IVT's, including:

- Applicant will operate over a more direct route, taking only 30 minutes to reach Imperial Valley Mall compared to 45 minutes on IVT.
- The service will operate hourly between 9:15 a.m. and 8:45 p.m., seven days a week. Applicant reports that IVT runs its service every 75 minutes, Monday through Friday; has a three-hour gap in service on Saturdays; and does not operate on Sundays and legal holidays.

Service will be provided using two 30-passenger air-conditioned buses.

The one-way adult fare will be \$2.00.

Applicant states that it possesses the experience and ability to operate the proposed service. Its president currently operates a family-owned business that provides transportation services within Calexico. Applicant will employ drivers who have a minimum of five years' professional driving experience. Attached to the application as Exhibit E is Applicant's financial statement as of September 30, 2010, that shows a net worth of \$18,500.

Notice of filing of the application appeared in the Commission's Daily Calendar on January 11, 2011. Applicant mailed a copy of the application to the public transit operator and the transportation planning agency in the service area and sent a notice of the application to the Cities of Calexico and El Centro.

In Resolution ALJ 176-3267 dated January 13, 2011, 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 176-3267.

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 between Calexico and El Centro.
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 Imperial Rapid Service, Inc., a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers between the points and over the routes set forth in Appendix PSC-27418, 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-27418, 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 March 24, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK FERRON

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-27418

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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.

Imperial Rapid Service, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers 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. Points in the City of Calexico
- B. Points in the City of El Centro

SECTION III. ROUTE DESCRIPTION.

Commencing from Calexico, then over the most convenient streets and highways to El Centro.