

Decision 11-07-014 July 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NoseBeard Enterprises LLC, dba
SLO Safe Ride for a Certificate of Public
Convenience and Necessity to operate as a
Passenger Stage Service throughout various
points in the City and County of San Luis Obispo,
California.

Application 11-02-013
(Filed February 7, 2011)

D E C I S I O N

Summary

This decision grants the application of NoseBeard Enterprises 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, as clarified by supplemental correspondence, requests authority to operate as a scheduled PSC to transport passengers and their baggage within the city limits of San Luis Obispo (SLO) and between Paso Robles and SLO. Applicant wishes to provide a safe means of transportation for college students and others who wish to enjoy SLO's downtown nightlife. Applicant states that transportation options are lacking in this area in the late evening hours. It believes this contributes to some of the negative behavior that occurs during this time, including drunk driving, public intoxication, vandalism, and assaults. One of Applicant's principals is involved with the SLO Downtown

Association and regularly attends city council meetings to help develop a vibrant and safe environment for people of all ages to experience SLO's nightlife.

Applicant proposes to operate three routes that will travel between outlying SLO neighborhoods and the downtown area. Passengers will be picked up and dropped off at designated stops approved by the city. Additionally, a route will run between Paso Robles and Downtown SLO. Plans are to operate Thursday through Saturday from 9:00 p.m. until 3:00 a.m. The service will be conducted initially with four 15-passenger vans. Fares for service within SLO will range between \$2 and \$5. The fare between Paso Robles and SLO will be \$8 one-way and \$15 round-trip.

Applicant's co-founders report having close ties to the SLO community, one through employment with various local businesses and the other as a student at Cal Poly University. They believe their knowledge of the area, entrepreneurial spirit, extensive marketing studies, and desire to be of service to the community will enable them to successfully operate as a PSC. Applicant recently applied for and was granted a certificate to operate as a charter-party carrier (TCP 27391-A). Applicant's financial statement as of April 28, 2011, discloses assets of \$29,181 and no liabilities.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 18, 2011. Applicant served a copy of the application to the public transit agency in the service area and sent a notice of the application to the affected cities.

In Resolution ALJ 176-3269 dated February 24, 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 176-3269.

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 SLO and between Paso Robles and SLO.
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 NoseBeard Enterprises 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-27391, 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-27391, 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 July 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-27391

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.

NoseBeard Enterprises 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 will be operated only at the points described in Section II and over the routes described in Section III.
- C. 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.
- D. Stop points shall conform with all applicable parking and passenger loading zone regulations adopted by local authorities.
- E. 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 City of San Luis Obispo.
- B. Points in the City of Paso Robles.

SECTION III. ROUTE DESCRIPTIONS.

Route 1 - Tank Farm-Broad ("Red Line")

Commencing from Downtown San Luis Obispo, then over the most convenient streets and highways to the vicinity of Tank Farm Road/Broad Street.

Route 2 - Foothill-Grand ("Blue Line")

Commencing from Downtown San Luis Obispo, then over the most convenient streets and highways to the vicinities of Foothill Road/Patricia Street and Grand Avenue/McCollum Street.

Route 3 - Los Osos Valley-Madonna ("Green Line")

Commencing from Downtown San Luis Obispo, then over the most convenient streets and highways to the vicinity of Los Osos Valley Road/Madonna Road (Laguna Lake area).

Route 4 - Paso Robles ("Orange Line")

Commencing from Downtown San Luis Obispo, then over the most convenient streets and highways to Paso Robles.