

Decision 12-01-024 January 12, 2012

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

In the Matter of the Application of First Class Transportation, L.L.C., a California Limited Liability Company PSC 16452, for authority to add more service points in its current service area and provide several new service areas and provide new transportation between such service areas on the one hand and San Diego International Airport, John Wayne Airport (SNA) and Los Angeles International Airport (LAX), and additional airports in the new service areas and extending the existing ZORF thereon.

Application 11-03-024  
(Filed March 30, 2011)

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

**Summary**

This decision grants the application of First Class Transportation, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., to expand its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226. Applicant is authorized to apply an existing zone of rate freedom (ZORF) to the expanded service pursuant to Pub. Util. Code § 454.2.

**Discussion**

Applicant provides an on-call PSC service under a certificate granted originally by Decision (D.) 03-11-011 and revised by D.10-05-034. The certificate authorizes the transportation of passengers and their baggage on an on-call basis between points in San Diego County, on the one hand, and San Diego

International Airport (SAN), San Diego Amtrak Station (S.D. Amtrak), San Diego Greyhound Bus Terminal (Greyhound), San Diego Harbor (S.D. Harbor) (collectively, "San Diego Service Area"), Los Angeles International Airport (LAX), and John Wayne Airport (SNA), on the other hand. The application, as supplemented by a letter dated November 8, 2011, requests authority to expand the service to include transportation between, on the one hand, points in Los Angeles, Orange, San Bernardino, Riverside, and Ventura Counties and, on the other hand, certain airports and other passenger terminals located in these counties, namely, LAX, SNA, Burbank (BUR), Ontario International (ONT), Long Beach (LGB), and Oxnard (OXR) Airports, Los Angeles and Long Beach Harbors (L.A./L.B. Harbors), and the Los Angeles Amtrak Station (L.A. Amtrak). Applicant also wishes to operate between the San Diego Service Area and these same airports and terminals.

Applicant reports experiencing demand for on-call PSC service to points beyond its currently authorized service territory. Its investigation shows that there is a need for service at these points that currently is not being met. It notes in particular a substantial increase in military-based traffic in and out of the harbor terminals. Applicant indicates it has the experience and ability to operate the proposed additional services. It has conducted its San Diego County operation for many years.

The proposed fares for the expanded service, as listed in Exhibit C of the application, range between \$14 (LAX - El Segundo) and \$100 (Castaic - L.A./L.B. Harbors). D.03-11-011 authorized Applicant to establish a ZORF of \$12 above and below any fare of \$20 and under, \$20 above and below any fare between \$21 and \$40, and \$40 above and below any fare over \$40, with a minimum fare of \$5. Applicant requests authority to apply its existing ZORF to the expanded service. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines,

public transit, and private automobiles. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 8, 2011. Applicant requests a waiver from the provisions of Rule 3.3(b) of the Commission's Rules of Practice and Procedure which require service of a copy of the application on every public transit operator operating in any portion of the service territory and service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice of the application to the affected airports and counties, and Amtrak. Applicant believes the Commission's Daily Calendar provides adequate notice to parties that may have an interest in the application. We shall exercise the discretion accorded to us by Rule 1.2 and grant the waiver requested by Applicant because it will be providing on-call service, not scheduled service, and service on every city, county, and public transit operator in the service territory would be burdensome.

In Resolution ALJ 176-3272 dated April 14, 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 176-3272.

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**

Michelle Cooke is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Applicant operates as an on-call PSC between points in San Diego County, on the one hand, and SAN, S.D. Amtrak, S.D. Harbor, Greyhound, LAX, and SNA, on the other hand.

2. The application requests authority to expand Applicant's PSC authority to include service between its San Diego Service Area and points in Los Angeles, Orange, San Bernardino, Riverside, and Ventura Counties, on the one hand, and certain airports and passenger terminals in the counties, on the other hand.

3. Applicant requests authority to apply the ZORF authorized by D.03-11-011 to the expanded service.

4. Applicant will compete with PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its operations. The request to apply the existing ZORF to the additional service points is reasonable.

5. Applicant requests a waiver of the notice requirements of Rule 3.3(b) of the Rules of Practice and Procedure as it has served notice of the application to the affected counties and airports, and Amtrak.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. 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 to apply the existing ZORF to the expanded service should be granted.

3. Before Applicant changes any fares under the authorized ZORF, Applicant 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. The certificate of public convenience and necessity (CPCN) granted to First Class Transportation, 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-16462 of Decision 03-11-011 and revised by Decision 10-05-034, is further revised by replacing Original Page 2 with First Revised Page 2 and First Revised Page 3 with Second Revised Page 3, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded 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 Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to apply its existing ZORF of \$12 above and below any fare of \$20 and under, \$20 above and below any fare between \$21 and \$40, and \$40 above and below any fare over \$40 to the expanded service. The minimum fare will be \$5.

4. Applicant 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 authority to apply the ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Applicant 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, Applicant shall post notices explaining fare changes in its 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. Applicant is authorized to begin operating the expanded service 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.

8. 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.

9. The revised CPCN to operate as PSC-16462, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The notice requirements of Rule 3.3(b) of the Commission's Rules of Practice and Procedure are waived as a notice of the application has been served upon parties that may have an interest in this proceeding

11. The Application is granted as set forth above.

12. This proceeding is closed.

This decision is effective today.

Dated January 12, 2012, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners

\*SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Hamidreza Tamjidi, an individual.

First Class Transportation, 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 an "on-call" 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. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB, IID, or IIE.
- 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 County of San Diego
- B. "San Diego Service Area":
  - San Diego International Airport
  - San Diego Amtrak Station
  - San Diego Greyhound Bus Terminal
  - San Diego Harbor
- C. Points in the Counties of Los Angeles, Orange, San Bernardino, Riverside, and Ventura.
- D. Los Angeles International Airport
  - John Wayne Airport
- E. Ontario International Airport
  - Burbank Airport
  - Oxnard Airport
  - Los Angeles and Long Beach Harbors
  - Los Angeles Amtrak Station

\*SECTION III. ROUTE DESCRIPTIONS.

Route 1

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any point described in Section IIB or IID.

Route 2

Commencing from any point described in Section IIC, then over the most convenient streets and highways to any point described in Section IID or IIE.

Route 3

Commencing from any point described in Section IIB, then over the most convenient streets and highways to any point described in Section IID or IIE.