

Decision 03-07-016 July 10, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Richard C. Sadler for authority to operate as a passenger stage corporation between points in San Francisco and Marin Counties and to establish a Zone of Rate Freedom.

Application 03-02-022
(Filed February 14, 2003)

O P I N I O N

Summary

This decision grants the application of Richard C. Sadler (Applicant), an individual, 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

Applicant requests authority to operate as a scheduled PSC to transport passengers and their baggage between designated points and places in San Francisco, Golden Gate Bridge Vista Point (Vista Point), and Sausalito. He believes the proposed service will provide tourists a convenient way to view and visit points of interest. Passengers will be able to get off the bus at designated stops and catch the next bus to continue their trip. Narration will be provided along the way.

Applicant initially will operate during weekends and holidays before expanding the service to daily operations. He plans to acquire clean air vehicles

that are wheelchair accessible. Applicant states he is financially able to acquire such units. Attached to the application as Exhibit D is an unaudited balance sheet dated February 10, 2003, that discloses assets of \$215,300, liabilities of \$3,500, and net worth of \$211,800.

Applicant's proposed fares, shown in Exhibit C of the application, are \$5 for transportation between San Francisco and Sausalito, and between Vista Point and Sausalito or San Francisco, and \$20 for a one-day pass that allows unlimited travel between all points in the service area. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares. The minimum fare will be \$5. Applicant will compete with taxicabs, limousines, public transit, and automobiles in his service area. This highly competitive environment should result in Applicant pricing his 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 February 19, 2003. Applicant served a copy of the Application on the Cities of San Francisco and Sausalito, San Francisco Municipal Railway, Golden Gate Transit, and Golden Gate Bridge officials.

In Resolution ALJ 176-3108 dated February 27, 2003, 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 176-3108.

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 and places in San Francisco, Vista Point, and Sausalito.
2. Public convenience and necessity requires the proposed service.
3. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares shown in Exhibit C of the application. The minimum fare will be \$5.
4. Applicant will compete with taxicabs, limousines, public transit, and automobiles in his 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 Applicant changes any fares under the ZORF authorized below, 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.

5. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to Richard C. Sadler (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the route set forth in Appendix PSC-16172, 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 order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, 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 under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$10 above and below the proposed fares shown in Exhibit C of the application. 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 ZORF shall expire unless exercised within 120 days after the effective date of this order.
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 his 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 operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his 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. The CPCN to operate as PSC-16172, granted herein, expires unless exercised within 120 days after the effective date of this order.
9. The Application is granted as set forth above.

10. This proceeding is closed.

This order is effective today.

Dated July 10, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-16172

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.

I N D E X

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. ROUTE DESCRIPTION	3

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

Richard C. Sadler, an individual, 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 service between points and places and over and along the route described in Section II, 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. Scheduled service will be operated only at the designated points and cities 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. No passengers shall be transported except those having a point of origin or destination as described in Section II.

SECTION II. ROUTE DESCRIPTION.

Commencing from any point in the City of San Francisco, then over the most convenient streets to any designated points in San Francisco specified in the carrier's timetable, then over the most convenient streets, expressways, and highways to Golden Gate Bridge Vista Point and Sausalito in Marin County.