

Decision 04-10-009 October 7, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Charles Stanley, dba Morongo Basin Airport Transport for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation between points in the Counties of Los Angeles, San Bernardino and Riverside, including the Twenty Nine Palms Marine Corps Base; The City of Twenty Nine Palms; The Twenty Nine Palms Airport; Points in Joshua Tree; Yucca Valley; Morengo Valley and Desert Hot Springs; and the San Bernardino Greyhound Station, on the one hand, and points in Southern California, including the Los Angeles International Airport and the Ontario International Airport; The Los Angeles Union Station/AMTRAK; and the Los Angeles Greyhound Station, on the other hand, pursuant to the provisions of § 1031 et seq., of the Public Utilities Code.

Application 04-02-016
(Filed February 23, 2004)

O P I N I O N

Summary

This decision grants the application of Charles Stanley (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.

Discussion

The application, as amended by letter dated September 15, 2004, requests authority to operate as an on-call PSC to transport passengers and their baggage between points in Los Angeles, San Bernardino, and Riverside Counties, on the one hand, and Los Angeles (LAX) and Ontario (ONT) International Airports, Los Angeles Amtrak Station and Los Angeles Greyhound Station, on the other hand. Applicant states that in recent years there has been a substantial growth in population in the proposed service area. This growth has been accelerated by the sharp increase in military personnel stationed at the Twentynine Palms Marine Base. This has resulted in increased demand for airport shuttle service in the area. Applicant believes that the military personnel, their dependents, and the local civilian population will benefit substantially from the addition of his proposed service. Examples of proposed one-way fares from the Twentynine Palms Marine Base are \$55 to LAX and \$44 to ONT.

Applicant has for the past three years operated a taxicab service in Twentynine Palms. With this experience in providing transportation services he states that he is ready, willing and able to provide the proposed PSC service. Applicant will initially operate two 8-passenger vans. Additional vehicles will be added as necessary to meet passenger demand. Attached to the application as Exhibit 3 is Applicant's unaudited balance sheet as of February 11, 2004, that discloses assets of \$154,200, liabilities of \$86,500, and net worth of \$67,700.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 27, 2004. Applicant requests a waiver from the provisions of Rule 21 of the Commission's Rules of Practice and Procedure which require 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 to the involved counties and airports. He states that all parties that have an

interest in Commission proceedings subscribe to or have access to the Commission's Daily Calendar. We shall exercise the discretion accorded to us by Rule 87 and grant the waiver requested by Applicant because he will be providing on-call service, not scheduled service, and service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3130 dated March 16, 2004, 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 176-3130.

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. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between points in Los Angeles, Riverside, and San Bernardino Counties, on the one hand, and LAX, ONT, Los Angeles Amtrak Station and Los Angeles Greyhound Station, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. Applicant requests a waiver of the notice requirements of Rule 21 of the Rules of Practice and Procedure as it has served notice to the involved counties and airports.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

6. 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, as amended, should be granted.
2. The request to waive the notice requirements of Rule 21 should be granted.
3. Since the matter is uncontested, the decision should be effective on the date it is signed.
4. 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 Charles Stanley (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 routes set forth in Appendix PSC-17338, 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 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.

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-17338, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The notice requirements of Rule 21 of the Commission's Rules of Practice and Procedure are waived as notice of the application has been served upon parties that may have an interest in this proceeding

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated October 7, 2004, 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-17338

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. SERVICE AREA	3
SECTION III. ROUTE DESCRIPTION	3

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

Charles Stanley, 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 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.
- 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. All points in Los Angeles, Riverside, and San Bernardino Counties.

- B. Los Angeles International Airport
Ontario International Airport
Los Angeles Amtrak Station
Los Angeles Greyhound Station

SECTION III. ROUTE DESCRIPTION.

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