

Decision 05-02-045 February 24, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Dennis Delosreyes and Richardo Vargas to sell and transfer ownership of Babes Airporter and PSC-13017 certificate to Hector Luna.

Application 05-01-002
(Filed January 5, 2005)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Dennis A. Delosreyes and Richardo Vargas (Transferors), a partnership, to Hector Luna (Transferee), an individual.

Discussion

Transferors are authorized by Decision (D.) 00-03-006 to operate as an on-call PSC to transport persons and their baggage between points in Contra Costa, Alameda, San Mateo, and San Francisco Counties, on the one hand, and San Jose (SJC), Oakland (OAK), and San Francisco (SFO) International Airports, on the other hand.

The application requests approval to transfer certificate PSC-13017 to Transferee. Transferors have agreed to transfer their ownership interest and certain assets of their partnership to Transferee. No consideration will be paid by Transferee to Transferors for the assets and PSC certificate.

Transferee maintains that he has the knowledge, experience, and financial ability to assume responsibility for a service that has been available to the public

for several years. His work experience includes continuous employment for the past five years as a driver and dispatcher for two airport shared-ride shuttle services. Additionally, he has held authority and operated as a charter-party carrier for the past three and one-half years. Transferee will operate initially with one 7-passenger van. Attached to the application as Exhibit A is his unaudited balance sheet as of December 8, 2004, that discloses assets of \$44,000, liabilities of \$21,000, and net worth of \$23,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on January 10, 2005.

In Resolution ALJ 176-3145 dated January 13, 2005, 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 176-3145.

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. Transferors are operating as a PSC pursuant to D.00-03-006.
2. Transferors request approval to transfer certificate PSC-13017 to Transferee.
3. The proposed transfer will not be adverse to the public interest.
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. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. 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. Within 120 days from the effective date of this decision, Dennis A. Delosreyes and Richardo Vargas (Transferors), a partnership, may transfer the operative rights specified in this application to Hector Luna (Transferee), an individual, subject to the conditions contained in the following paragraphs.
2. Transferee shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service within 120 days after this order is effective, adopt Transferor's tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
 - c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.

- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- 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. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee 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 Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferors by Decision (D.) 00-03-006 is revoked on the date Transferee is notified that he may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-18501, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated February 24, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-18501

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.

Supersedes the authority heretofore granted to
Dennis A. Delosreyes and Richardo Vargas, a partnership, by Decision 00-03-006.

I N D E X

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

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

This certificate supersedes all passenger stage operative authority granted to Dennis A. Delosreyes and Richardo Vargas, a partnership.

Hector Luna, 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 within the geographical limits of Contra Costa, Alameda, San Mateo, and San Francisco Counties.
- B. San Francisco International Airport (SFO).
Oakland International Airport (OAK).
San Jose International Airport (SJC).

SECTION III. ROUTE DESCRIPTION.

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