

Decision 07-04-026 April 12, 2007

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

In the Matter of the Application for the transfer of: Five Star Airport Limo and Shuttle LLC, Seller, and Advanced Shuttle Services LLC, Buyer, for approval of the transfer by sale of the operating authority held by Seller in Passenger Stage Corporation Certificate PSC 0012972 from Sellers to Buyer, pursuant to the provisions of Public Utilities Code sections 851 et seq.

Application 06-12-028  
(Filed December 8, 2006)

**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 Five Star Airport Limo and Shuttle, LLC (Transferor) to Advance Shuttle Services LLC (Transferee)<sup>1</sup>, both limited liability companies.

**Discussion**

Transferor is authorized by Decision (D.) 01-03-056 to operate as an on-call PSC to transport passengers and their baggage between certain communities in San Diego County, on the one hand, and San Diego International Airport (SAN), on the other hand. The application, as amended by letter dated February 14, 2007, requests approval to transfer certificate PSC-12972 to Transferee.

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<sup>1</sup> Transferee's Articles of Organization on file with the California Secretary of State show its name as Advance Shuttle Services LLC, not "Advanced," as indicated in the application caption.

Transferor's owner desires to relinquish the business for personal and family reasons. The sale price of \$95,000 includes the PSC certificate and Transferor's interest in a ground transportation permit issued by SAN, but no other assets. Terms of the sale are contained in the agreement attached to the application as Exhibit 1.

Transferee states that it has the necessary knowledge and financial ability to assume operation of the business. All of its company members have at least five years' experience driving commercial passenger vehicles at SAN. Transferee already holds a permit from the Commission to operate as a charter-party carrier (TCP 20747-P). Its unaudited balance sheet as of December 31, 2006, discloses assets of \$101,420, liabilities of \$3,879, and net worth of \$97,541.

Service will be provided using five 7-passenger vans. Transferee will adopt Transferor's tariff currently on file with the Commission, including the zone of rate freedom (ZORF) authorized by D.01-03-056.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 12, 2006.

In Resolution ALJ 176-3185 dated January 11, 2007, 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 176-3185.

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. Transferor is operating as a PSC pursuant to D.01-03-056.
2. Transferor requests approval to transfer its PSC authority 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, Five Star Airport Limo and Shuttle, LLC (Transferor), a limited liability company, may transfer the operative rights specified in this application to Advance Shuttle Services LLC (Transferee), a limited liability company, 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 Transferors' 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. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- g. Enroll all drivers in the pull notice system as required by Vehicle Code § 1808.1.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee 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 Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision (D.) 01-03-056 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. The CPCN to operate as PSC-20747, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated April 12, 2007, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-20747

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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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Supersedes the authority heretofore granted to Five  
Star Airport Limo and Shuttle, LLC by Decision 01-03-056.

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

This certificate supersedes all passenger stage operative authorities granted to Five Star Airport Limo and Shuttle, LLC, a limited liability company.

Advance Shuttle Services 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.
- 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. The communities of Cardiff-by-the Sea, Carlsbad, Del Mar, Encinitas, Leucadia, Oceanside, Olivenhain, Rancho Santa Fe, San Marcos (Lake Area), Solana Beach, Sorrento Valley, and Vista, located in the County of San Diego.
- B. San Diego International Airport.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Section IIA, then over the most convenient streets and highways to San Diego International Airport.