

Decision 08-06-041 June 26, 2008

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

In the Matter of the Application for Approval to Merge Crucero U.S.A., L.L.C. into Americanos U.S.A., L.L.C. and for like authority to transfer Passenger Stage Certificate ("PSC") 19762 held by Crucero to Americanos.

Application 08-02-010  
(Filed February 11, 2008)

**O P I N I O N**

**Summary**

This decision grants the application for approval, pursuant to Pub. Util. Code § 851 et seq., of the merger of Crucero U.S.A., L.L.C. (Transferor) into Americanos U.S.A., L.L.C. (Transferee), both Delaware limited liability companies, and the transfer of a passenger stage corporation (PSC) certificate from Transferor to Transferee.

**Discussion**

Transferor holds a certificate to operate as a scheduled PSC to transport passengers and their baggage throughout California over 42 routes. The certificate was granted by Resolution TL-19072, dated May 25, 2006, pursuant Pub. Util. Code § 1032.5.<sup>1</sup> The routes authorized by Transferor's certificate (PSC-19762) coincide with the California routes named in its federal operating authority.

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<sup>1</sup> § 1032.5 provides that the Commission shall issue a certificate to every PSC which conducts intrastate passenger transportation service pursuant to federal operating authority, to the extent that regulation of these operations is not preempted by federal law.

The application requests approval for Transferor to merge into Transferee and to transfer the PSC certificate from Transferor to Transferee.<sup>2</sup> Transferee is owned by SITA Inc., which, in turn, is wholly owned by Greyhound, Inc. and GLI Holding Co., a company wholly owned by GLI, Inc. Transferor is currently owned 98% by GLI Holding Co. and 2% by GLI, Inc. Transferee advises it has conducted an interstate bus service for ten years, operating throughout a great portion of the United States. It is familiar with the regulations governing both intrastate and interstate bus service, and intends to continue serving the public as Transferor has done in the past.

Transferee states that after the merger, the employees who now provide the bus services for Transferor will continue to deliver the same services to the public. Likewise, all of the equipment currently available to Transferor will be available to Transferee. Other vehicles will be added to this service if required to meet the public's transportation needs. Transferee advises that it is financially able to acquire such equipment. Attached to the application as Exhibit B is Transferee's unaudited balance sheet as of November 30, 2007, which discloses assets of \$8 million, liabilities of \$3.6 million, and stockholder equity of \$4.4 million.

The proposed merger and transfer of authority within the same family of companies should have no impact on service to the public. We therefore will grant the relief requested.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 21, 2008.

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<sup>2</sup> Transferee has already obtained the federal authority necessary to conduct service over Transferor's routes.

In Resolution ALJ 176-3209 dated February 28, 2008, 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 176-3209.

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 holds a PSC certificate granted by Resolution TL-19072.
2. Transferor requests approval merge into Transferee.
3. Transferor requests approval to transfer certificate PSC-19762 to Transferee.
4. The proposed merger and transfer of operating authority will not be adverse to the public interest.
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. The proposed merger and transfer of operating authority are 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.

**O R D E R**

**IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Crucero U.S.A., L.L.C. (Transferor), a Delaware limited liability company, may merge into and transfer the operative rights specified in this application to Americanos U.S.A., L.L.C. (Transferee), a Delaware 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 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. 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 Resolution TL-19072 is revoked on the date Transferee is notified that it 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 authority to merge and the CPCN to operate as PSC-23456, 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 June 26, 2008, 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-23456

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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  
Crucero U.S.A., L.L.C., a Delaware limited liability  
company, by Resolution TL-19072.

**I N D E X**

	<b>Page</b>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS .....	2
SECTION II. ROUTE DESCRIPTIONS .....	3-7

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

This certificate supersedes all passenger stage operative authority granted to Crucero U.S.A., L.L.C., a Delaware limited liability company.

Americanos U.S.A., L.L.C., a Delaware 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 a scheduled basis over the routes 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. Service may be provided at intermediate points on all routes described in Section II.
- C. Routes may be joined at common service points.
- D. A description of all the stop points to board or discharge passengers and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission. The tariffs 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.
- E. 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. ROUTE DESCRIPTIONS.

Route 1 From Los Angeles over Highway I-5 to the to the International Boundary between the U.S. and Mexico at San Ysidro.

Route 2 From Los Angeles over Highway I-10 to the junction with Highway 86, then over Highway 86 to the junction with Highway 111, then over Highway 111 to the International Boundary between the U.S. and Mexico at Calexico.

Route 3 From the junction of Highway I-8 and Highway 86 near El Centro over Highway I-8 to San Diego.

Route 4 From the junction of Highway I-5 and Highway I-805 on the north side of San Diego over Highway I-805 to the junction with Highway I-5 at San Ysidro.

Route 5 From San Diego over Highway I-15 to the California-Nevada border [continuing interstate to Salt Lake City, Utah].

Route 6 From the junction of Highway I-15 and Highway I-215 at Murrieta over Highway I-215 to the junction with Highway I-15 at Devore.

Route 7 From the junction of Highway I-110 and Highway 91 near Carson over Highway 91 to the junction with Highway I-215 in Riverside.

Route 8 From the junction of Highway I-5 and Highway I-405 near Irvine over Highway I-405 to the junction with Highway I-5 near Sylmar.

Route 9 From the junction of Highway I-5 and Highway I-210 near Sylmar over Highway I-210 to the junction with Highway 210 in San Dimas, then over Highway 210 to the junction with Highway 30 in Fontana, then over Highway 30 to the junction with Highway I-10 in Redlands.

SECTION II. ROUTE DESCRIPTIONS (CONTINUED).

Route 10 From the junction of Highway I-405 and Highway I-605 in Los Alamitos over Highway I-605 to the junction with Highway I-210 in Duarte.

Route 11 From the junction of Highway I-210 and Highway 57 in San Dimas over Highway 57 to the junction with Highway I-5 and Highway 22 in Santa Ana.

Route 12 From the junction of Highway I-5, Highway I-10, Highway 101, and Highway 60 in Los Angeles over Highway 60 to the junction with Highway I-10 in Beaumont.

Route 13 From the junction of Highway I-710 and Highway I-10 near Alhambra over Highway I-710 to Long Beach.

Route 14 From the junction of Highway I-605 and Highway I-105 in Norwalk over Highway I-105 to El Segundo.

Route 15 From the junction of Highway 91 and Highway 55 in Anaheim Hills over Highway 55 to Newport Beach.

Route 16 From the north end of Highway 110 in Pasadena over Highway 110 to the junction with Highway I-110 in Los Angeles, then over Highway I-110 to San Pedro.

Route 17 From the junction of Highway I-210 and Highway 134 in Pasadena over Highway 134 to the junction with Highway 101 in North Hollywood.

SECTION II. ROUTE DESCRIPTIONS (CONTINUED).

Route 18 From the junction of Highway 55 and Highway 22 in Orange over Highway 22 to the junction with Highway 1 in Long Beach.

Route 19 From the junction of Highway I-5 and Highway 1 near San Juan Capistrano over Highway 1 to the junction with Highway 101 in Oxnard.

Route 20 From the junction of Highway I-210 and Highway 118 near San Fernando over Highway 118 to the junction with Highway 23 near Moorpark, then over Highway 23 to the junction with Highway 101 near Thousand Oaks.

Route 21 From the junction of Highway 99 and Highway 65 near Oildale over Highway 65 to the junction with Highway 137 near Lindsay, then over Highway 137 to the junction with Highway 99 in Tulare.

Route 22 From the junction of Highway 99 and Highway 180 in Fresno over Highway 180 to the junction with Highway 145 in Kerman, then over Highway 145 to the junction with Highway 99 in Madera.

Route 23 From the junction of Highway 99 and Highway 58 in Bakersfield over Highway 58 to the junction with Highway I-15 in Barstow, then over Highway I-15 to the junction with Highway I-40 in Barstow, then over Highway I-40 to the California-Arizona border [continuing interstate to Amarillo, Texas].

Route 24 From Los Angeles over Highway 101 to the junction with Highway 170 in North Hollywood, then over Highway 170 to the junction with Highway I-5 near Panorama City, then over I-5 to the California-Oregon border [continuing interstate to Blaine, Washington].

SECTION II. ROUTE DESCRIPTIONS (CONTINUED).

Route 25 From the junction of Highway 99 and Highway 166 near Mettler over Highway 166 to the junction with Highway 101 near Santa Maria.

Route 26 From the junction of Highway 99 and Highway 46 near Famoso over Highway 46 to the junction with Highway 101 in Paso Robles.

Route 27 From the junction of Highway 99 and Highway 152 near Fairmead over Highway 152 to the junction with Highway 101 in Gilroy.

Route 28 From San Francisco over Highway I-80 to the California-Nevada border [continuing interstate to Salt Lake City, Utah].

Route 29 From Sacramento over Highway 50 to the California- Nevada border [continuing interstate to Fallon, Nevada].

Route 30 From Los Angeles over Highway I-5 to the junction with Highway 14 near Sylmar, then over Highway 14 to the junction with Highway 395 near Inyokern, then over Highway 395 to the California-Nevada border [continuing interstate to Reno, Nevada].

Route 31 From Coachella over Highway 111 to Calexico.

Route 32 From San Jose over Highway I-680 to the junction with Highway I-80 near Cordelia, then over Highway I-80 to the junction with Highway I-505 near Vacaville, then over Highway I-505 to the junction with Highway I-5 near Dunnigan.

Route 33 From the junction of Highway I-5 and Highway I-580 near Vernalis over Highway I-580 to Oakland.

SECTION II. ROUTE DESCRIPTIONS (CONCLUDED).

Route 34 From the junction of Highway I-5 and Highway 126 near Santa Clarita over Highway 126 to the junction with Highway 101 near Ventura.

Route 35 From Los Angeles over Highway 101 to San Francisco.

Route 36 From Weed over Highway 97 to the California-Oregon border [continuing interstate to Yakima, Washington].

Route 37 From Los Angeles over Highway I-5 to the junction with Highway 99 at Wheeler Ridge, then over Highway 99 to Sacramento.

Route 38 From Indio over Highway 86 to Calexico.

Route 39 From Los Angeles over Highway I-10 to the California-Arizona border [continuing interstate to Jacksonville, Florida].

Route 40 From San Diego over Highway I-8 to the California-Arizona border [continuing interstate to Casa Grande, Arizona].

Route 41 From the junction of Highway I-15 and Highway 395 in Hesperia over Highway 395 to the junction with Highway 14 near Inyokern.

Route 42 From San Diego over Highway 94 to the junction with Highway 125, then over Highway 125 to the junction with Highway I-8 near El Cajon.