

Decision 08-10-005 October 2, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application for Approval pursuant to Public Utilities Code Section 851 et seq., of the Transfer by Sale of the Operating Authority in Passenger Stage Certificate #21112 from Golden State Paratransit, Inc. to Pineapple Express Transportation LLC.

Application 08-06-007
(Filed June 2, 2008)

D E C I S 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 Golden State Paratransit, Inc. (Transferor), a corporation, to Pineapple Express Transportation, LLC (Transferee), a Wyoming limited liability company.

Discussion

Transferor is authorized by Decision (D.) 07-11-011 to operate as a PSC to transport passengers and their baggage on an on-call basis between San Diego International Airport (SAN) and other points in San Diego, on the one hand, and Los Angeles, Escondido, Alpine, and Imperial Beach, on the other hand. The application requests approval to transfer certificate PSC-21112 to Transferee. Transferor desires to change its form of business organization to a limited liability company to better enable it to carry out its business plan and to provide more flexibility in its day-to-day operations. Ownership and management will

remain the same. Transferee's unaudited balance sheet dated May 10, 2008, discloses assets of \$480,000, liabilities of \$184,000, and net worth of \$296,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 12, 2008.

In Resolution ALJ 176-3215 dated June 12, 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 176-3215.

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.07-11-011.
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.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Golden State Paratransit, Inc. (Transferor), a corporation, may transfer the operative rights specified in this application to Pineapple Express Transportation, LLC (Transferee), a Wyoming 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 decision is effective.
- b. Establish the authorized service within 120 days after this decision 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 decision 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 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 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 07-11-011 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-24193, granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This decision is effective today.

Dated October 2, 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-24193

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
Golden State Paratransit, Inc., a corporation, by Decision 07-11-011.

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

This certificate supersedes all passenger stage operative authorities granted to Golden State Paratransit, Inc., a corporation.

Pineapple Express Transportation, LLC, a Wyoming 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 IIA.
- 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. San Diego (including San Diego International Airport)
- B. Los Angeles
Escondido
Alpine
Imperial Beach

SECTION III. ROUTE DESCRIPTIONS

Route 1

Commencing from San Diego, then over the most convenient streets and highways to Los Angeles.

Route 2

Commencing from San Diego, then over the most convenient streets and highways to Escondido.

Route 3

Commencing from San Diego, then over the most convenient streets and highways to Alpine.

Route 4

Commencing from San Diego, then over the most convenient streets and highways to Imperial Beach.

Note: Service may be provided at intermediate points along Routes 1 through 4.