



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**FILED**

08/30/24

11:38 AM

A2307009

August 30, 2024

**Agenda ID #22882**  
**Ratesetting**

TO PARTIES OF RECORD IN APPLICATION 23-07-009:

This is the proposed decision of Administrative Law Judge Minh LeQuang. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 17, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure (Rules).

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

Decision PROPOSED DECISION OF ALJ LeQUANG (Mailed 8/30/2024)

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

In the Matter of the Application of:  
THE SONOMA COUNTY AIRPORT  
EXPRESS, INC. (PSC-1120) to modify  
Applicant's existing Certificate of  
Public Convenience and Necessity  
(CPCN) to abandon service between  
hotels in Sonoma County and wineries  
located in Santa Rosa, Kenwood, and  
Geyserville.

Application 23-07-009

**DECISION AUTHORIZING THE SONOMA COUNTY  
AIRPORT EXPRESS, INC.'S APPLICATION TO MODIFY ITS  
EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO ABANDON SERVICE BETWEEN HOTELS IN  
SONOMA COUNTY AND WINERIES LOCATED IN  
SANTA ROSA, KENWOOD, AND GEYSERVILLE**

**Summary**

This decision grants The Sonoma County Airport Express, Inc.'s application to modify its certificate of public convenience and necessity to abandon service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood, and Geyserville.

This proceeding is closed.

## 1. Background

On September 12, 1990, The Sonoma County Airport Express, Inc. (Sonoma) was granted a certificate of public convenience and necessity (CPCN) and authorized to operate a Passenger Stage Corporation (PSC).<sup>1</sup> On July 20, 2023, Sonoma filed an application seeking authority to modify its CPCN to abandon service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood, and Geyserville (Winery Routes).<sup>2</sup> On November 15, 2023, Sonoma filed an amended application providing additional information to comply with Rule 3.4 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).<sup>3</sup> No timely protests were filed.

A prehearing conference was held on January 30, 2024, to address the issues of law and fact, determine the need for hearing and set the schedule for resolving the matter. The assigned Commissioner issued a scoping memo on January 18, 2024, identifying the issues to be determined.

The assigned Commissioner issued a scoping memo on February 26, 2024 (Scoping Memo), identifying the issues to be determined as follows:<sup>4</sup>

1. Has Sonoma adequately satisfied Rule 3.4?
2. Is Sonoma operating the scheduled service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood, and Geyserville at a financial loss?
3. Does the proposed discontinuation of service have a reasonably foreseeable effect on the environment?

---

<sup>1</sup> Decision (D.) 90-09-021.

<sup>2</sup> Application at 2.

<sup>3</sup> Amended Application at 2.

<sup>4</sup> Scoping Memo at 2.

4. Does the proposed discontinuation of service have any impact on the achievement of the Commission's Environmental and Social Justice (ESJ) Action Plan?

In the Scoping Memo, Sonoma was provided a deadline of March 1, 2024, to submit additional evidence in support of its amended application.<sup>5</sup> Sonoma did not submit any additional evidence and the matter was submitted on March 1, 2024.

**2. Has The Sonoma County Airport Express, Inc. Adequately Satisfied Rule 3.4?**

Rule 3.4 requires applications for authority to abandon passenger stage service to include: (a) a listing of points and routes; (b) maps to scale; (c) current and proposed timetables; (d) current and proposed certificate authorities; (e) traffic data; (f) description of the fares and rates; (g) calculation of annual interstate and intrastate revenue; (h) calculation of route miles; (i) calculations in the Uniform System of Accounts for Common and Contract Motor Carriers of Passengers; (j) description of operating subsidies or financial assistance; and (k) any additional evidence or argument relevant to the application.

The Commission reviewed Sonoma's application that included one exhibit. Sonoma submitted sufficient evidence, including information and other documents, to satisfy subsections (a)-(j) of Rule 3.4. Therefore, the Commission concludes that Sonoma's application has adequately satisfied Rule 3.4.

---

<sup>5</sup> Scoping Memo at 2.

**3. Is The Sonoma County Airport Express, Inc. Operating the Scheduled Service Between Hotels in Sonoma County and Wineries Located in Santa Rosa, Kenwood, and Geyserville at a Financial Loss?**

In December 2017, Sonoma was placed under new ownership and management.<sup>6</sup> Since December 2017, Sonoma has not provided service to the Winery Routes due to lack of demand and change in business model and strategy.<sup>7</sup> Sonoma asserts that it does not have any current timetables or fares for the Winery Routes because it has not provided service to the Winery Routes since December 2017. Sonoma concludes that it should be allowed to abandon the Winery Routes because of the lack of demand for its service and its history of not providing service.<sup>8</sup>

After careful review of the evidence, the Commission agrees that due to the lack of demand for service to the Winery Routes, forcing Sonoma to continue operating the Winery Routes would place Sonoma at a financial loss.

**4. Does the Proposed Discontinuation of Service Have a Reasonably Foreseeable Effect on the Environment?**

The California Environmental Quality Act (CEQA) generally requires environmental review of proposed discretionary projects. A “project” is defined as an action that (1) presents a potential for a direct or reasonably foreseeable indirect physical change in the environment, and (2) involves the issuance by a public agency of a lease, permit, license, certificate, or other entitlement for use.<sup>9</sup>

---

<sup>6</sup> Amended Application at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Public Resources Code § 21065.

A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved.<sup>10</sup> This application is not a project and therefore not subject to environmental review under CEQA because it does not present a potential for a physical change in the environment.

**5. Does the Proposed Discontinuation of Service Have Any Impact on the Achievement of the Commission's Environmental and Social Justice Action Plan?**

The Commission's ESJ Action Plan recognizes the disproportionate impacts of environmental hazards in communities of color and identifies ways the CPUC can use its regulatory authority to address funding and resources for these communities to mitigate the outcomes of past inequities and barriers. This application is for the abandonment of specific routes and does not have any impact on the Commission's ESJ Action Plan.

**6. Summary of Public Comment**

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the "Public Comment" tab of the online Docket Card for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

In this matter, there are no relevant public comments on the Docket Card.

**7. Conclusion**

Sonoma successfully demonstrated that it has complied with Rule 3.4; provided evidence that operating the Winery Routes would result in a financial

---

<sup>10</sup> CEQA Guidelines § 15357.

loss; and provided evidence that abandonment of the Winery Routes would have no effect on CEQA and the Commission's ESJ Action Plan.

## **8. Procedural Matters**

This decision affirms all rulings made by the Administrative Law Judge (ALJ) and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

## **9. Comments on Proposed Decision**

The proposed decision of ALJ Minh LeQuang in this matter was mailed to the parties in accordance with Public Utilities Code Section 311 and comments were allowed under Rule 14.3. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_ by \_\_\_\_\_.

## **10. Assignment of Proceeding**

John Reynolds is the assigned Commissioner and Minh LeQuang is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. Sonoma is authorized to operate a PSC pursuant to D.90-09-021.
2. The application requests authority to modify its CPCN to abandon service to the Winery Routes.
3. Sonoma's application has adequately satisfied Rule 3.4.
4. Sonoma has not provided service to the Winery Routes since December 2017.
5. Sonoma provided sufficient evidence that the Winery Routes are unprofitable and continuing the Winery Routes would place Sonoma at a financial loss.
6. Sonoma's application is not a project and therefore not subject to environmental review under CEQA.

7. Sonoma's application is for the abandonment of specific routes and does not have any impact on the Commission's ESJ Action Plan.

8. No protest to the application has been filed.

### **Conclusions of Law**

1. Public convenience and necessity no longer require Sonoma's service to the Winery Routes.

2. The abandonment of the Winery Routes is not a project and therefore not subject to environmental review under CEQA.

3. The abandonment of the Winery Routes does not have any impact on the Commission's ESJ Action Plan.

4. The Winery Routes should be deleted from Sonoma's CPCN.

5. Sonoma should be granted authority to modify its CPCN to abandon the Winery Routes.

6. Application 23-07-009 is closed.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The Sonoma County Airport Express, Inc. is granted authority to modify its certificate of public convenience and necessity to abandon service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood, and Geyserville.

2. Upon The Sonoma County Airport Express, Inc.'s filing an acceptance of this amendment to its certificate of public convenience and necessity to the Consumer Protection and Enforcement Division within 30 days after this order is effective, PSC-1120 shall be amended to delete all references to the scheduled service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood, and Geyserville.



3. The written acceptance must include a revised, complete, and accurate tariff sheet reflecting the changes authorized in this decision within 10 calendar days from the date of this decision.

4. Application 23-07-009 is closed.

This order is effective today.

Dated \_\_\_\_\_, at Sacramento, California.