

Decision 22-01-019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Turismo Express, Inc, a California Corporation, for the reinstatement of the passenger stage authority (PSC-29565), revoked as a consequence of the Covid-19 Pandemic.

Application 21-07-015
(Filed July 26, 2021)

**EXECUTIVE DIRECTOR ORDER GRANTING
APPLICATION****Summary**

This decision grants the application of Turismo Express, Inc. (Applicant), for reinstatement of passenger stage corporation (PSC) authority (PSC-29565), revoked as a result of the Covid-19 Pandemic. This application was filed pursuant to the procedures adopted in Decision (D.)15-05-029. This proceeding is closed.

Discussion

Applicant states that, due to Covid-19 social distancing requirements in March 2020, it was forced to suspend operations. Applicant did not seek voluntary suspension. As a consequence, on May 12, 2020, the Commission's Consumer Protection and Enforcement Division (CPED) revoked the PSC authority of the Applicant (PSC-29565), issued by D.17-01-002, and the transportation charter-party (TCP) permit TCP-29565A issued by CPED. Applicant does not seek new operating authority but requests reinstatement of PSC-29565 and TCP-29565-A. In addition, applicant seeks a refund of the \$500 application fee for this application.

It is reasonable to restore the PSC since Covid-19 conditions impelled the Applicant to suspend operations. However, California Public Utilities Code (Pub. Util. Code) Section 1036 has no provision for refund of application fees paid to this Commission.

Reinstating the TCP authority is a separate ministerial process that has its own separate filing fee that does not require an application to be submitted pursuant to D.15-05-029.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 3, 2021.

Since the proposed service will reduce the number of vehicles on the public highways in between points in the service territory, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

In Resolution ALJ 176-3490, dated August 5, 2021, 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 176-3490.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety:

Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Douglas Ito is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant suspended operations in March 2020 due to Covid-19 Pandemic condition.
2. Applicant did not seek voluntary suspension and was subsequently revoked
3. CPED revoked the PSC-29565 and TCP-29565A operating authorities.
4. It is reasonable to reinstate Applicant's PSC operating authority.
5. Pub. Util. Code section 1036 provides no provision for refund of the \$500 application fee.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. The application complied with the PSC certification procedures adopted in D.15-05-029.

Conclusions of Law

1. Public convenience and necessity have been demonstrated, and the application should be granted.
2. The Executive Director is authorized to sign, on behalf of the Commission, orders concerning PSC certification in the process adopted in D.15-05-029.
3. Because the matter is uncontested, the decision should be effective on the date it is signed.

4. A public hearing is not necessary.

5. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

O R D E R

IT IS ORDERED that:

1. The passenger stage corporation authority (PSC-29565) issued by Decision D.17-01-002 to Turismo Express, Inc, may be reinstated upon satisfaction of the following requirements:

- a) Proof of insurance pursuant to General Order Series 101;
- b) Compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and;
- c) Enrollment in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

2. Reinstating the revoked TCP authority (TCP-29565A) is a separate ministerial process handled by CPED that is not governed by D.15-05-029.

3. Turismo Express, Inc. shall file all applicable Public Utilities Commission Transportation Reimbursement Account (PUCTRA) reports due since it was suspended.

4. The Application is granted as set forth above.

5. This proceeding is closed.

This decision is effective today.

Dated January 13, 2022 at San Francisco, California.

/S/ Rachel Peterson

Rachel Peterson
Executive Director