

Decision 09-12-028 December 17, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Guan Qi Shao, dba Pacific Diamond Tour for authority to operate as a scheduled passenger stage corporation between points in San Francisco and casinos in Brooks, Lincoln, and Placerville, all in California, and for approval of a Zone of Rate Freedom.

Application 09-09-014
(Filed September 18, 2009)

D E C I S I O N

Summary

This decision grants the application of Guan Qi Shao (Applicant), an individual, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, and to establish a zone of rate freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

Discussion

The application, as amended by letter dated November 13, 2009, requests authority to operate as a scheduled PSC to transport passengers and their baggage between San Francisco, on the one hand, and the community of Brooks (Yolo County) and the Cities of Lincoln and Placerville, on the other hand. Applicant proposes to serve Indian gaming establishments at those locations (Cache Creek, Thunder Valley, and Red Hawk Casinos, respectively). While the service will be available to the general public, Applicant anticipates its customer base will be primarily retirees and members of the Chinese-American and Filipino-American communities. He states the service will offer the public an

economical, convenient, and safe alternative to single vehicle trips, and thus will help the environment by conserving fuel and reducing vehicle emissions.

Applicant will operate three round trips to Brooks and two round trips to Lincoln and Placerville daily. He will utilize four full-size buses. Applicant indicates he has the knowledge and ability to operate the proposed service. He was employed for approximately 20 years by a Bay Area passenger carrier in various positions, including driver, dispatcher, scheduler, account manager, and customer relations assistant. In addition, Applicant has work experience in the household goods moving industry, where he gained knowledge of vehicle maintenance and safety, and driver training. Attached to the application as Exhibit 5 is Applicant's unaudited balance sheet that discloses assets of \$620,000, liabilities of \$360,000, and net worth of \$260,000.

The proposed round-trip fares are \$12 to Brooks and \$10 to Lincoln and Placerville. Applicant requests authority to establish a ZORF of \$5 above and below these fares. He will compete with charter vehicles and private automobiles in his service area. This competitive environment should result in Applicant pricing his services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on September 25, 2009. Applicant served a notice of the application to the affected cities and counties.

In Resolution ALJ 176-3242 dated October 15, 2009, 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 176-3242.

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. The application requests authority to operate as a scheduled PSC to transport passengers and their baggage between San Francisco, on the one hand, and Brooks, Lincoln, and Placerville, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. Applicant requests authority to establish a ZORF of \$5 above and below the proposed round-trip fares of \$10 and \$12.
4. Applicant will compete with charter vehicles and private automobiles in his operations. The ZORF is fair and reasonable.
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. Public convenience and necessity has been demonstrated and the application should be granted.
2. The request for a ZORF should be granted.
3. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

4. 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. A certificate of public convenience and necessity (CPCN) is granted to Guan Qi Shao (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-25565, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. They shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

- h. Enroll all drivers in the pull notice system as required by Vehicle Code § 1808.1.
3. Applicant is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$5 above and below the proposed round-trip fares described in the application.
4. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.
5. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.
6. In addition to posting and filing tariffs, Applicant shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.
7. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his 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 Applicant's vehicles for service.
8. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.
9. The CPCN to operate as PSC-25565, granted herein, expires unless exercised within 120 days after the effective date of this decision.
10. The Application, as amended, is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated December 17, 2009, 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-25565

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.

I N D E X

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION II. SERVICE AREAS	3
SECTION III. ROUTE DESCRIPTION	3

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

Guan Qi Shao, an individual, 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 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. Service shall be operated only at the points described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission.
- C. 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 AREAS.

- A. City and County of San Francisco
- B. Community of Brooks (Yolo County)
- C. City of Lincoln
- D. City of Placerville

SECTION III. ROUTE DESCRIPTIONS.

Route 1

Commencing from San Francisco, then over the most convenient streets and highways to Brooks.

Route 2

Commencing from San Francisco, then over the most convenient streets and highways to Lincoln.

Route 3

Commencing from San Francisco, then over the most convenient streets and highways to Placerville.