

Decision 10-06-012 June 3, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Wine Line, LLC (PSC 24606) to Change its Certificate of Public Convenience and Necessity from a Scheduled Service to an On Call Service and to expand its existing operating Area to include a 20 mile radius of Paso Robles with Downtown Paso Robles as the center of the radius.

Application 10-04-030
(Filed April 27, 2010)

D E C I S I O N

Summary

This decision grants the application of The Wine Line, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., to expand its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, and to change its service from scheduled to on-call.

Discussion

Applicant is authorized by Decision (D.) 09-02-012 to transport passengers and their baggage as a scheduled PSC between points located along or near State Highway 46 in San Luis Obispo County. It operates a “hop on, hop off” service for passengers who are visiting the many wineries located along the highway. Passengers are able to board and off board Applicant’s vans at ten scheduled stops on the route. In conjunction with this service, Applicant is also authorized to provide on-call pick up and drop off service at various San Luis Obispo County locations for an additional charge.

The application requests authority to expand the PSC authority to include points within a 20-mile radius of Downtown Paso Robles. Applicant reports receiving requests from customers to visit additional wineries that are not along its current route. The requested extension would enable Applicant to serve the wineries most often requested by its customers. The current all-day fare of \$49.95 (which includes pick up and drop off in Paso Robles or Atascadero) will apply to the expanded service.

Applicant also requests to change its service from scheduled to on-call. From feedback received in its first year of operation, Applicant has learned it can better serve its customers by simply picking them up and dropping them off on a point-to-point basis. It states the existing service with a predetermined order of destinations along a set route with fixed times limits the enjoyment and experience customers are seeking by delaying their arrival at their desired destinations.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 29, 2010. Applicant sent a notice of the application to the County of San Luis Obispo and the City of Paso Robles.

In Resolution ALJ 176-3253 dated May 6, 2010, 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 176-3253.

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. Applicant operates as a scheduled PSC serving wineries located along or near State Highway 46 in San Luis Obispo County.
2. The application requests authority to expand the PSC operations authorized by D.09-02-012 to include service between points within a 20-mile radius of Downtown Paso Robles.
3. Applicant requests to change its PSC service from scheduled to on-call to better serve its customers.
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. Public convenience and necessity has been demonstrated and the request to expand the PSC certificate should be granted.
2. Applicant should be authorized to operate its entire PSC service on an on-call basis.
3. 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. The certificate of public convenience and necessity (CPCN) granted to The Wine Line, LLC (Applicant), a limited liability company, authorizing it 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-24606 of Decision 09-02-012, is revised by replacing Original Pages 2 and 3 with First Revised Pages 2 and 3, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded 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 Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operating the expanded service on the date that the Consumer Protection and Safety Division mails a notice to Applicant 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 Applicant's vehicles for service.

4. 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.

5. The revised CPCN to operate as PSC-24606, granted herein, expires 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 June 3, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

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

The Wine Line, LLC, a 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 provide 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. 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. Points within a 20-mile radius of Downtown Paso Robles
- B. Points in the following cities and communities in San Luis Obispo County: Atascadero; Cambria/Harmony/Shandon; San Simeon/San Luis Obispo; Cayucos/Morrow Bay; and Avila Beach/Shell Beach/Pismo Beach.

*SECTION III. ROUTE DESCRIPTION.

Winery Service

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any other point described in Section IIA.

Pick Up / Drop Off Service

In conjunction with Winery Service, passengers may be picked up and dropped off at any point described in Section IIB.