

Decision 02-05-040 May 16, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Mini-Bus System, Inc., dba SuperShuttle San Gabriel, to extend its passenger stage authority (PSC-8016) to include San Diego Airport and certain additional points in San Diego County.

Application 01-11-035
(Filed November 20, 2001)

O P I N I O N

Summary

This decision grants the application of Mini-Bus System, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., to extend its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized to operate as an on-call PSC pursuant to Decision (D.) 97-05-065, between points in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura south of the Los Padres National Forest, on the one hand, and Los Angeles and Long Beach Harbors (HBRs), AMTRAK Union Station Los Angeles, (AMTRAK), Burbank Airport (BUR), John Wayne Airport (SNA), Long Beach Airport (LGB), Los Angeles International Airport (LAX), Ontario International Airport (ONT), Palm Springs Rail Station (PSR), Palm Springs Airport (PSP), and San Bernardino Airport (SBD), on the other hand.

The application requests authority to operate as an on-call PSC to transport passengers and their baggage between points in San Diego County, on the one hand, and LAX, ONT, and SBD, on the other hand.

Applicant also requests authority to establish a Zone of Rate Freedom (ZORF) of \$12 above and below any of the proposed fares shown in Exhibit B, attached to the application. The minimum one-way adult fare is \$5. Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in its service area. This highly competitive environment should result in Applicant pricing its services at a reasonable level. Many other PSCs have been granted ZORFs. Applicant's requested ZORF is generally consistent with the ZORFs held by other carriers.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 30, 2001. Applicant notified the affected cities, airports and transit agencies.

In Resolution ALJ 176-3076 dated November 29, 2001, 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 176-3076.

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.

Findings of Fact

1. Applicant is currently authorized to operate as an on-call and scheduled PSC pursuant to D. 97-05-065, between points in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura south of the Los Padres

National Forest, on the one hand, and HBRS, AMTRAK, BUR, SNA, LGB, LAX, ONT, PSR, PSP, and SBD, on the other hand.

2. The application requests authority to extend the on-call PSC to transport passengers and their baggage between points in San Diego County, on the one hand, and LAX, ONT, and SBD, on the other hand.

3. Applicant also requests authority to establish a ZORF of \$12 above and below any of the proposed fares shown in Exhibit B, attached to the application. The minimum one-way adult fare is \$5.

4. Applicant will compete with other PSCs, taxicabs, limousines, buses, and private automobiles in its service area. The establishment of the ZORF is fair and reasonable.

5. Public convenience and necessity requires the proposed service.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. 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, Transferee should give this Commission at least 10 days' notice. The tariff should show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

4. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Mini-Bus System, Inc. (Applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-8016 of Decision 97-05-065, is amended by replacing Original Page 3 with First Revised Page 3 and Original Page 4, 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 order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. File tariffs on or after the effective date of this order. They shall become effective 10 days or more after the effective date of this order, provided that the Commission and the public are given not less than 10 days' notice.
 - d. Comply with General Order (GO) Series 101, 104, 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 GO Series 158.
 - f. Maintain accounting records in conformity with the Uniform System of Accounts.

- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$12 above and below any of the proposed fares shown in Exhibit B, attached to the application. The minimum one-way adult fare is \$5.

4. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 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 10 days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.

6. In addition to posting and filing tariffs, Transferee shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least 10 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 Rail Safety and Carriers 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.

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 a PSC-8016, granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated May 16, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS (concluded).

- e. Express service shall be restricted to packages not exceeding one hundred pounds which either originate at or are destined to any points as described in Section IIB.

SECTION II. SERVICE AREAS.

- A. Any point or place in the Counties of:
Los Angeles, Orange, Riverside, San Bernardino, Ventura south of the Los Padres National Forest.
- B. Los Angeles and Long Beach Harbors.
AMTRAK Union Station, Los Angeles.
Burbank Airport.
John Wayne Airport.
Long Beach Municipal Airport.
Los Angeles International Airport (LAX).
Ontario International Airport (ONT).
Palm Springs Rail Station.
Palm Springs Airport.
San Bernardino Airport (SBD).
- C. Any point or place in *San Diego County.

SECTION III. ROUTE DESCRIPTIONS.

ON-CALL SERVICE

Route 1 Counties –Airports, Harbors, Rail Stations

Commencing from any point or place, as described in Section IIA, then over the most convenient streets, expressways, and highways to any point, described in Section IIB.

Issued by California Public Utilities Commission.

*Revised by Decision 02-05-040, Application 01-11-035.

SECTION III. ROUTE DESCRIPTIONS (concluded).

ON-CALL SERVICE

Route 2–Airports, Harbors, Rail Stations

Commencing from any point or place, as described in Section IIB, then over the most convenient streets, expressways, and highways to any point, described in Section IIB.

*Route 3–San Diego County LAX, SNA, SBD

Commencing from any point or place, as described in Section IIC, then over the most convenient streets, expressways, and highways to LAX, SNA, or SBD.