

Decision 12-06-033 June 21, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LHO Santa Cruz One Lessee, Inc.
dba Chaminade for a Certificate of Public
Convenience and Necessity to operate as an On-
Call Passenger Stage Service between One
Chaminade Lane, Santa Cruz California, and
Mineta San Jose International Airport, the
Monterey Airport and the Watsonville Airport.

Application 12-03-011
(Filed March 16, 2012)

D E C I S I O N

Summary

This decision grants the application of LHO Santa Cruz One Lessee, Inc. (Applicant), a Delaware corporation, 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.

Discussion

The application requests authority to operate as an on-call¹ PSC to transport passengers and their baggage between Chaminade Resort & Spa (Chaminade) in Santa Cruz, on the one hand, and San Jose International (SJC), Monterey Regional (MRY), and Watsonville Municipal (WVI) Airports, on the other hand. Applicant is the current owner of Chaminade. The prior owner, Benchmark-Tech Corporation, operated a PSC service under certificate PSC-9365

¹ While the application caption refers to “scheduled” service, the application states the service will be “on-call.”

to accommodate Chaminade's guests who required transportation to or from SJC, MRY, or WVI. A change in ownership did not include transfer of the PSC certificate. Applicant, however, wishes to continue to make available to its guests the same type of PSC service that the previous owner provided commencing in 1995. Thus, while Applicant is seeking a new certificate, the service will essentially be the same as the one operated by Benchmark-Tech Corporation.

Applicant will operate the service using two vans. Transportation will be offered on an on-call basis between 6:00 a.m. and 11:30 p.m., seven days a week. The proposed one-way fares are \$105 to SFC, \$80 to WVI, and \$95 to MRY.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 21, 2012. Applicant mailed a copy of the application to the involved cities, counties, and airports.

In Resolution ALJ 176-3291 dated March 22, 2012, 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 176-3291.

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

Emory Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between Chaminade Resort & Spa in Santa Cruz, on the one hand, and SJC, MRY, and WVI, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. 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. 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 LHO Santa Cruz One Lessee, Inc. (Applicant), a Delaware corporation, 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-29000, 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 Commission's 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 to begin operations 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 CPCN to operate as PSC-29000, 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 21, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-29000

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.

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

LHO Santa Cruz One Lessee, Inc., a Delaware corporation, 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 provided, 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. Service shall be provided only at the points named in Section II.
- D. 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. Chaminade Resort & Spa, Santa Cruz
- B. San Jose International Airport (SJC).
Monterey Regional Airport (MYR).
Watsonville Municipal Airport (WVI).

SECTION III. ROUTE DESCRIPTION.

Commencing from Chaminade Resort & Spa, then over the most convenient streets and highways to any airport described in Section IIB.