

Decision 04-12-006 December 2, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Surjit S. Tut of Tracy Airport Shuttle Service for authority to operate as a passenger stage operation between points in Alameda County, Santa Clara County, San Mateo County, San Jose International Airport, San Francisco Airport, Oakland Airport.

Application 04-08-029
(Filed August 23, 2004)

O P I N I O N

Summary

This decision grants the application of Surjit S. Tut (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.

Discussion

The application requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. Applicant states that he wants to provide passengers with a convenient method of getting to and from the airports. He currently has one 7-passenger van. Vans, in his opinion, have advantages over other types of passenger carrying vehicles in terms of maneuverability, comfort, access, and luggage handling. Applicant believes the proposed service will benefit the environment by reducing the number of private vehicles on the highways.

Applicant indicates that he has three years of experience in this field and has the financial resources to institute and operate the service. Attached to the application as Exhibit E is an unaudited balance sheet as of August 15, 2004, that discloses assets of \$45,900 (including cash of \$10,000), liabilities of \$1,500, and net worth of \$44,400. The proposed fares, as listed in Exhibit C of the application, range between \$12 (San Bruno – SFO) and \$69 (Pleasanton – OAK).

Notice of filing of the application appeared in the Commission's Daily Calendar on August 25, 2004. Applicant served a notice to the involved cities, counties, and public transit operators in the service area.

In Resolution ALJ 176-3138 dated September 2, 2004, 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 176-3138.

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 requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and SFO, SJC, and OAK, 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.
3. 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. A certificate of public convenience and necessity (CPCN) is granted to Surjit S. Tut (Applicant), an individual, authorizing him 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-18017, 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 ten days or more after the effective date of this order, 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 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.

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-18017, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated December 2, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-18017

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 AREA | 3 |
| SECTION III. ROUTE DESCRIPTION | 3 |

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

Surjit S. Tut, 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 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. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- 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. Cities in Alameda County

Alameda, Berkeley, Fremont, Livermore, Oakland, Pleasanton, and Union City.

Cities in Santa Clara County

Cupertino, Gilroy, Mountain View, Los Altos, Palo Alto, San Jose, and Santa Clara.

Cities in San Mateo County

Atherton, Belmont, Burlingame, Menlo Park, Millbrae, Portola Valley, Redwood City, San Bruno, and San Mateo.

B. San Francisco International Airport.

Oakland International Airport.

San Jose International Airport.

SECTION III. ROUTE DESCRIPTION.

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