

Decision 05-07-030 July 21, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for the approval of the transfer by sale of the operating authority held by William Singer doing business as Bill's Bus in Passenger Stage Corporation Certificate #15463 to Bill's Bus, Inc., a California Corporation.

Application 04-11-024
(Filed November 22, 2004)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from William Singer (Transferor) to Bill's Bus, Inc. (Transferee) (together, Applicants).

Discussion

Transferor is authorized by Decision (D.) 02-09-024 to transport passengers and their baggage as a scheduled PSC between Isla Vista and Santa Barbara and between San Diego State University and the community of Pacific Beach in the City of San Diego. This application requests approval to transfer certificate PSC-15463 to Transferee. Transferor is selling the business so that he can attend medical school. The sale includes Transferee's three buses.

Concurrently with the filing of the application, Applicants filed a motion, pursuant to Pub. Util. Code § 583 and General Order 66-C, for an order that certain attachments to the application be sealed and not open to public inspection. They are Exhibit 1, the sales agreement between Transferor and Transferee; Exhibit 2, the financial statement of Craig Jenkins, president of

Transferee; and Exhibit 6, minutes of an organizational meeting of Transferee. Applicants state that disclosure of this information would disadvantage both parties in future negotiations of the sale and transfer of PSC authority. The unopposed motion was referred to the Law and Motion Administrative Law Judge (ALJ) for disposition. ALJ John E. Thorson's Ruling dated January 7, 2005, granted Applicants' motion.¹

The Commission's Consumer Protection and Safety Division staff has reviewed the financial information contained in Exhibit 2. Staff believes that sufficient funds are available to Transferee to assume and safely operate Transferor's PSC business.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 2, 2004.

In Resolution ALJ 176-3144 dated December 16, 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 176-3144.

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.

¹ The Ruling provides that the confidential information will remain under seal for two years and shall not be made accessible or disclosed to anyone other than (a) Commissioners and Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement with Transferee; or (c) upon further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then-designated as Law and Motion Judge.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.02-09-014.
2. Applicants request approval to transfer the PSC authority to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

6. Applicants' Motion for Leave to File Confidential Information Under Seal was granted by Administrative Law Judge John E. Thorson's Ruling dated January 7, 2005.

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. The proposed transfer is in the public interest and should be authorized.
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. Within 120 days from the effective date of this decision, William Singer (Transferor), an individual, may transfer the operative rights specified in this

application to Bill's Bus, Inc. (Transferee), a corporation, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective, adopt Transferor's tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- 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. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee 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 Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision (D.) 02-09-014 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-18345, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The confidential information subject to Administrative Law Judge (ALJ) John E. Thorson's Ruling dated January 7, 2005, shall remain under seal for a period of two years from the date of that ruling. During this period, the information shall not be made accessible or disclosed to anyone other than (a) Commissioners and Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement with Moving Party; or (c) upon the further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then-designated as Law and Motion Judge.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated July 21, 2005, at San Francisco, California.

MICHAEL R. PEEVEY

President

GEOFFREY F. BROWN

SUSAN P. KENNEDY

DIAN M. GRUENEICH

JOHN A. BOHN

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-18345

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.

Supersedes the authority heretofore granted to
William Singer, an individual, by Decision 02-09-014.

I N D E X

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

This certificate supersedes all passenger stage operative authorities granted to William Singer, an individual.

Bill's Bus, Inc., a 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 a scheduled basis between the points and over the routes described in Section II, 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. Scheduled service will be operated only at the designated communities and cities 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. No passengers shall be transported except those having a point of origin or destination as described 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. ROUTE DESCRIPTIONS.

Route 1 – Isla Vista/Santa Barbara

Commencing from Isla Vista, then over the most convenient streets and highways to Santa Barbara.

Route 2 – SDSU/Pacific Beach

Commencing from San Diego State University (SDSU), then over the most convenient streets and highways to the community of Pacific Beach in the City of San Diego.