

Decision 09-02-008 February 20, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Payma Management Systems, LLC, dba Access Shuttle for authority to Operate as an on-call, door-to-door, Passenger Stage Corporation between various points in the Counties of San Diego and Los Angeles, and to Establish a Zone of Rate Freedom.

Application 08-02-020
(Filed February 28, 2008)

D E C I S I O N

Summary

This decision grants the application of Payma Management System, 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 establish a zone of rate freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

Discussion

Applicant holds a PSC certificate granted by Decision (D). 03-02-020 that authorizes the transportation of passengers and their baggage on an on-call basis between certain points in San Diego County, on the one hand, and San Diego International Airport (SAN), and the San Diego Amtrak and Greyhound Bus Stations, on the other hand. The application requests to modify the certificate by expanding the points served in San Diego County and adding Los Angeles as a service point. The service will operate over four routes of travel.

Applicant advises that passenger traffic at the airports and the train and bus stations continues to increase. Traffic congestion, parking fees, and

shortages of parking areas have caused large numbers of the public to utilize door-to-door shuttle services. Applicant wishes to serve a greater number of passengers by expanding its authorized service territory. Based on its five years of successful operation as a PSC, Applicant believes it has the necessary knowledge, experience, and ability to conduct the expanded service. It will utilize its present fleet of 12 vans.

The proposed fares, as shown in Exhibit B of the application, range between \$10 (SAN – downtown San Diego) and \$250 (SAN – Los Angeles International Airport). Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares. The ZORF will also apply to the fares currently in effect for Applicant's existing service. The minimum fare will be \$5. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private 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. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 5, 2008. Applicant served a notice of the application to the involved counties and cities, and the public transit operator in the service territory.

In Resolution ALJ 176-3210 dated March 13, 2008, 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 176-3210.

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 is currently authorized by D.03-02-020 to operate as a PSC to transport passengers and their baggage between certain points in San Diego County, on the one hand, and SAN, and the San Diego Amtrak and Greyhound Bus Stations, on the other hand.
2. The application requests authority to expand the service territory in San Diego County and to add Los Angeles as a service point.
3. Public convenience and necessity requires the proposed service.
4. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares shown in Exhibit B of the application and the fares currently in effect for Applicant's existing service.
5. Applicant will compete with PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in its operations. The ZORF is fair and reasonable.
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, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.
4. 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 Payma Management System, 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 is revised by replacing Original Page 3 with First Revised Page 3, 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 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 under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$10 above and below the proposed fares shown in Exhibit B of the application and the fares currently on file with the Commission for Applicant's existing service. The minimum fare will be \$5.

4. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Applicant shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days. 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.

7. 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.

8. The revised CPCN to operate as PSC-15330, granted herein, expires unless exercised within 120 days after the effective date of this decision.

9. The Application is granted as set forth above.

10. This proceeding is closed.

This decision is effective today.

Dated February 20, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

SECTION II. SERVICE AREA.*

- A. Points within San Diego County
Points within the City of Los Angeles
- B. Points within the City of San Diego (including San Diego International Airport, Amtrak Station, and Greyhound Bus Station)

SECTION III. ROUTE DESCRIPTION.*

Route 1

Commencing from any point in the San Diego, then over the most convenient streets and highways to Los Angeles.

Route 2

Commencing from any point in San Diego, then over the most convenient streets and highways to Escondido.

Route 3

Commencing from any point in San Diego, then over the most convenient streets and highways to Alpine.

Route 4

Commencing from any point in San Diego, then over the most convenient streets and highways to Imperial Beach.

Note: Stops may be made on Routes 1 through 4 at intermediate points located within the City of San Diego or San Diego County.