

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
 SAN FRANCISCO, CA 94102-3298



Dear Applicant:

Enclosed you will find information to aid you in applying for a new or transfer authority to operate as a passenger stage corporation (PSC) or vessel common carrier (VCC). It is your responsibility to ensure that the application is filed in accordance with the Commission's Rules of Practice and Procedure (RPP), which may be viewed on the Commission's web site at <http://www.cpuc.ca.gov>.

The application must be typewritten on 8½" by 11" paper. The original and seven (7) complete copies of the application, including all exhibits and certificate of service, must be filed with the Commission before any action can be taken. Only the original application needs to be verified (Pub. Util Section 1032 – RPP, Article 2).

Mail your application and the check, payable to PUC to:

CALIFORNIA PUBLIC UTILITIES COMMISSION
 ATTN: DOCKET OFFICE
 505 VAN NESS AVENUE
 SAN FRANCISCO, CA 94102

Law requires payment of a filing fee at the time you file your application with the Commission. **The filing fee is non-refundable regardless of the outcome of the application.** The applicable fees are:

- \$500 – application fee for new passenger stage corporation.
- \$300 – application fee to sell or transfer a certificate of public convenience and necessity.
- \$ 75 – application fee for new vessel common carrier certificate.
- \$ 75 – application fee to sell or transfer a vessel common carrier certificate.

This packet is divided into sections as follows:

- I. Application specimen form.
- II. Scoping memo information. This must be completed and attached to the back of your application.
- III. Excerpts from the Commission's Rules of Practice and Procedure.
- IV. Excerpts from the Public Utilities Code.
- V. Commission's General Orders 101, 111, 158.
- VI. Summary of the Commission's Drug and Alcohol Testing Requirements.

Refer to Rule 3 of the Rules of Practice and Procedure for instruction on where to file your application. For assistance in completing the application, you may contact the Licensing Section at 1-800-877-8867.

NO OPERATION SHALL COMMENCE until YOU HAVE OBTAINED approval from the Commission.

Licensing Section
 Consumer Protection & Enforcement Division
 Encl.

SECTION I

APPLICATION SPECIMEN FORM

THIS IS NOT AN APPLICATION FORM. USE THE FORMAT BELOW AS A GUIDE TO FILE YOUR APPLICATION. The application must be typewritten on 8½" by 11" paper. Instructions are in *bold italic*.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of *[enter name of applicant(s) and business name, if applicable]* for authority to operate as a *[enter type of service, for example, scheduled or on-call]* passenger stage corporation between points in *[enter points to be served]* and *[enter points to be served]* and to establish a Zone of Rate Freedom *[optional, see explanation under proposed fare paragraph]*

APPLICATION NO. _____
[assign by CPUC]

APPLICATION

The application of *[enter exact legal name of each applicant]* hereinafter referred to as "applicant", respectfully states:

The exact name of applicant is *[enter exact legal name of each applicant and if applicant is corporation, trust, association of other organized group, the State under the laws of which such applicant was created or organized. If applicant is a corporation, insert the words "a corporation" after the name. A copy of the corporation's articles of incorporation must be attached to the original of the application only. If articles have already been filed, specific reference to the prior proceeding by number shall be made]*, will do business as *[enter fictitious business name, if applicable]*.

The principal place of business is located *[enter location of principal place of business, including phone number]. (RRP, Rules 15 and 16)*

The names, titles, and address of the various officers of the company or owners or partners, and their interests are as follows: *[enter information, if applicable]*.

Communications in regard to this application are to be addressed to *[enter name, title, and address of the person to whom communications in regard to the application are to be addressed]. (RPP, Rules 15 and 16)*

Pursuant to Public Utilities Code Section 1031, applicant requests a certificate of public convenience and necessity to establish and operate as a *[enter full description of*

service, including type of service such as scheduled or on-call] passenger stage corporation, for the transportation of passengers between [enter service area] and [enter service area]. (RPP, Rules 15, 21a through 21d)

The proposed fares to be assessed for this service, and rules and regulations governing the same, are as set forth in Exhibit ___ attached hereto. *[Attach exhibit showing the proposed fares, rules and regulation]. (RPP, Rule 21f)*

ESTABLISHING A ZONE OF RATE FREEDOM - *If you wish to have the flexibility to adjust your rates up and down without having to file a formal application with the Commission, you may request to establish a Zone of Rate Freedom (ZORF), pursuant Pub. Util. Code Section 454.2. Indicate the level of ZORF you desire, for example, \$15 above and below the proposed fare. If application of the ZORF below the proposed fare could result in a fare of zero, state the minimum fare. Any passenger stage transportation service which is operating in competition with other passenger transportation services from any means of transportation, may request to establish a ZORF if the competition together with the authorized zone of rate freedom will result in reasonable rates and charges for the passenger stage transportation service.*

The proposed time schedule between the points to be served is as set forth in Exhibit ___ attached hereto. *[If you are providing scheduled service, attach a proposed time schedule. The proposed points to be served should be shown in their geographical order in columnar form to the left. If you are providing on-call service, give a full description together with a complete statement of the conditions under which the service would be performed. (RPP Rule 21g)*

A map showing the proposed route of operations is attached hereto as Exhibit _____. *[Prepare a map or sketch of the route and points to be served, drawn to suitable indicated scale, and showing proposed operation by distinctive coloring or marking. (RPP Rule 21e)*

A description of the equipment to be operated in the proposed service is as shown in Exhibit ___ attached hereto. *[List and describe the type of equipment to be used in the proposed service, showing the make, model, and seating capacity]. (RPP Rule 21h)*

A financial statement of applicant is attached hereto as Exhibit _____. *[Prepare current financial statements that include a balance sheet and income statement in sufficient detail to show financial ability of applicant to establish the proposed service]. (RPP, Rule 21i)*

Public convenience and necessity require a grant of authority requested by the applicant for the following reasons: *[State in detail the conditions upon which reliance is made as justification for granting the authority requested. This information is the basis for the application and is important. Information provided should show a complete description of the proposed operations including projected number of passengers, pro forma income statements and any other data to support the application]. (RPP, Rules 15, 15d, 15e and 21j)*

The names of all county and city governmental entities, regional transportation planning agencies and public transit operators within whose boundaries passengers will be loaded or unloaded are attached hereto as Exhibit _____.

1. *[Provide a complete list of the names of all county and city governmental entities and regional transportation planning agencies within whose boundaries passengers will be loaded or unloaded]. (RPP, Rule 21k)*
2. *[Mail a notice that the application has been filed to each of these entities and agencies. This notice must state in general terms the authority sought in the application, including the proposed routes, schedule, fares and equipment. It must also state that you will furnish a copy of the application and related exhibits upon receiving a written request. For an example, see Attachment A]. (RPP, Rules 21k and 21l)*
3. *[A copy of the notice and a Certificate of Service must be filed with the Commission's Docket office together with this application. (RPP, Rule 21k). Include a complete list of all public transit carriers operating in any portion of the territory sought to be served by this application. A copy of this application must be mailed to each of the public transit operators listed. When you file this application with the Commission's Docket Office, you must include a certificate of service showing that you have served the copies. You must mail or give a copy of this application to any potential competitor, governmental entity, or interested party who requests a copy, and to any other person as the Commission may direct. For an example, see Attachment B]. (RPP, Rule 21l)*
4. *[You may request a waiver of the requirements of RRP, Rule 21]. (RPP, Rule 87)*

Wherefore, Applicant prays that certificate be granted authorizing the operation of the service hereinabove described and for such further order as may be proper.

Dated _____ California, this _____ day of _____

 Signature of Applicant *[The signature of the applicant must be verified. See attachment C for a sample Verification statement. If applicant is a corporation, only an officer who has the proper authority to endorse documents must place his/her signature on the application]. (RPP, Rule 2.2)*

 Signature and address of attorney, if applicable *[An applicant's attorney or representative may verify a document on behalf of the applicant.]*

CORPORATE SEAL, IF APPLICANT IS A CORPORATION

ATTACHMENT A

NOTICE

On _____, the Application of _____
dba _____ was filed with the California Public Utilities
Commission, seeking a passenger stage corporation certificate to perform *[describe
in general type of service, proposed routes, schedules, fares(refer to exhibit number) and
equipment]*. A copy of the Application and related exhibits will be furnished by
applicant upon request. Please direct request to *[enter name and address, and phone of
contact person or company's name]*.

ATTACHMENT B

CERTIFICATE OF SERVICE

I hereby certify that I have served the within application on the following named public transit operators and Notices of said filing, a copy of which is attached hereto, on all the named city and county governmental agencies, regional planning agencies and airports by mailing a copy via first-class mail with postage prepaid.

Executed on _____ at _____, California.

Signature and name of person signing certificate

ATTACHMENT C

VERIFICATION

(Where applicant is an individual)

I am the applicant in the above-entitled matter; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matter I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.

(Applicant)

VERIFICATION

(Where applicant is a Corporation)

I am an officer of the Applicant corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing documents are true of my own knowledge, except as to matters which are therein stated based on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.

(Applicant)

SECTION II

Scoping Memo Information for Applications

A. Category ¹(Check the category that is most appropriate)

Adjudicatory - “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future.

Ratesetting - “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category.

Quasi-legislative - “Quasi-legislative” proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary? Yes No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced.

¹ See California Public Utilities Commission Rules of Practice and Procedure, Article 2.5, especially Rules 5 and 6a, which appear on the Commission’s internet page (www.cpuc.ca.gov) under the heading “CPUC General Information, Rules of Practice and Procedure.”

Are public witness hearings necessary?

Yes

No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. **Issues** - List here the specific issues that need to be addressed in the proceeding.

D. **Schedule** (Even if you checked "No" in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

- _____ Prehearing conference
- _____ Hearings
- _____ Briefs due
- _____ Submission
- _____ Proposed decision (90 days after submission)
- _____ Final decision (60 days after proposed decision is mailed)

SECTION III

Chapter 1. Rules of Practice and Procedure

Article 1. Code of Ethics

1. (Rule 1) Code of Ethics.

Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law.

Note: Authority cited for Chapter 1: Public Utilities Code (Stats. 1951, Ch. 764 as amended), particularly Section 1701 thereof.

Article 1.5. Ex Parte Communications in Those Proceedings Not Subject to Article 2.5.

1.1. (Rule 1.1) Definitions.

For purpose of this Article , the following definitions apply:

(a) "Commencement of a proceeding" is the tender to the Commission of a notice of intention, the filing with the Commission of an application or complaint, or the adoption by the Commission of an order instituting investigation (OII).

(b) "Commission Staff of Record" means

(1) all members of the staff organization or division created pursuant to Public Utilities Code Section 309.5, except those temporarily assigned to other staff organizations or divisions; and

(2) members of other staff organizations or divisions not specifically covered under Section 309.5, who are appearing as advocates or as witnesses for a particular party in covered proceedings, but excluding other members of such staff organizations or divisions. The Executive Director, General Counsel, and Division Directors (except the director of the staff division created pursuant to Section 309.5) are not Commission Staff of Record.

Article 2. Filing of Documents

2. (Rule 2) Form and Size of Tendered Documents.

Documents tendered for filing must be typewritten, printed, or reproduced on paper 8 ½ inches wide and 11 inches long. Any larger attachments must be legibly reduced or folded to the same size. The type must be no smaller than 10 points. The impression must use 1 ½-line or double spacing, except that footnotes and quotations in excess of a few lines may be single-spaced. Both sides of the paper may be used. A document of more than one page must be bound on the left side or upper left-hand corner. If a transmittal letter is submitted (see Rule 2.7(c)), it must not be bound to the tendered document. All copies must be clear and permanently legible.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

2.1. (Rule 2.1) Caption, Title, and Docket Number.

(a) All documents tendered for filing must have a blank space of at least 1 ½ inches tall by 2 ½ inches wide in the upper right-hand corner for a docket stamp and must show on the first page:

(1) at the top, the heading "BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA";

(2) in the upper left below the heading, the caption for the proceeding;

(3) to the right of the caption, the docket number (if one has been assigned);

(4) below the caption and docket number, the title of the document and the name of or shortened designation for the party tendering the document.

The title page may extend to additional pages if these required items cannot be set forth on one page. The name, mailing address, telephone number, and, if available, facsimile transmission number of the person authorized to receive service and other communications on behalf of the party tendering the document must be set forth either on the title page of the document or following the signature at the end of the document (see

Rule 2.2). Documents initiating new proceedings must leave a space to the right of the caption for the docket number. (See Rule 88.)

(b) Separate documents must be used to address unrelated subjects or to ask the Commission or the administrative law judge to take essentially different types of action (e.g., a document entitled "Complaint and Motion for Protective Order" would be improper; the filing must be split up into two separate documents).

(c) Persons and corporations regulated by the Commission must include their assigned Case Information System (CIS) Identification Number in the captions of documents initiating new proceedings and in the titles of other documents filed in existing cases (e.g., "Application of Pacific Bell (U 1001 C) for Rehearing of Decision 91-01-001").

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 701, Public Utilities Code.

2.2. (Rule 2.2) Signatures.

(a) A document tendered for filing must have a signature at the end of the document and must state the date of signing, the signer's address, and the signer's telephone number.

(b) A signature on a document tendered for filing certifies that the signer has read the document and knows its contents; that to the signer's best knowledge, information, and belief, formed after reasonable inquiry, the facts are true as stated; that any legal contentions are warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; that the document is not tendered for any improper purpose; and that the signer has full power and authority to sign the document. (See Rule 1.)

(c) A document tendered for filing must be signed either by a party or by the attorney or representative of the party. If the document is signed by the party, it must be signed as follows:

(1) If the party is an individual or sole proprietorship, by the individual or proprietor.

(2) If the party is a corporation, trust, or association, by an officer.

(3) If the party is a partnership or limited partnership, by a partner or general partner, respectively.

(4) If the party is a governmental entity, by an officer, agent, or authorized employee.

(d) If a document is tendered for filing on behalf of more than one party, only one party (or one party's attorney or representative) need sign the document unless otherwise required by these rules. The title or first paragraph of the document must identify all parties on whose behalf the document is tendered and state their Case Information System Identification Numbers, if applicable (see Rule 2.1(c)). The signature of a party in these circumstances certifies that the signer has been fully authorized by the indicated parties to sign and tender the document and to make the representations stated in subsection (b) on their behalf.

(e) Except as otherwise required in these rules or applicable statute, either the original signature page or a copy of the original signature page is acceptable for tendering for filing. If a copy of the signature page is tendered, the signer must retain the original, and produce it at the administrative law judge's request, until the Commission's final decision in the proceeding is no longer subject to judicial review.

(f) The Commission may summarily deny a party's request, strike the party's pleadings, or impose other appropriate sanctions for willful violation of subsections (b) or (d) of this rule. The Commission may seek appropriate disciplinary action against an attorney for a willful violation of subsections (b) or (d) of this rule.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 447, Code of Civil Procedure.

2.3. (Rule 2.3) Service.

(a) Except as otherwise provided in these rules or applicable statute, service of a document may be effected by delivering or mailing a copy of the document by first-class mail to each person whose name is on the official service list or applicable special service list, to the assigned administrative law judge, and to any other person required to be served by statute, by Commission rule or order, or by the administrative law judge. Delivery may be made by handing a copy of the document to the person or leaving it in a place where the person may reasonably be expected to obtain actual and timely receipt. Service by mail is complete when the document is deposited in the mail. The administrative law

judge may require more expeditious service or a particular form of service in appropriate circumstances.

(b) With the prior consent of the party being served or at the direction of the administrative law judge, service may be made by facsimile transmission, by modem, or by other electronic means. Such service is complete upon successful transmission.

(c) If a document, including attachments, exceeds 75 pages or with the permission of the administrative law judge, parties may serve a Notice of Availability in lieu of all or part of the document. (The original document and copies filed with the Commission, however, must be complete (see Rule 2.5).) A copy of the complete document must be served on any party who has previously informed the serving party of its desire to receive a complete copy. The Notice of Availability must comply with Rule 2.1(a) and must state the document's exact title and summarize its contents. The Notice must state that a copy of the document will be served at the request of the party receiving the notice and must state the name, telephone number, and facsimile transmission number, if any, of the person to whom such requests should be directed. The party sending the Notice must serve any party making such request within one business day after receipt of the request.

(d) A copy of the certificate of service must be attached to each copy of the document (or Notice of Availability) served and to each copy filed with the Commission. If a Notice of Availability is served, a copy of the Notice must also be attached to each copy of the document filed with the Commission. The certificate of service must state: (1) the exact title of the document served, (2) the place, date, and manner of service, and (3) the name of the person making the service. The certificate filed with the original of the document must be signed by the person making the service (see Rule 2.2(e)). The certificate filed with the original of the document must also include a list of the names and addresses of the persons and entities served and must indicate whether they received the complete document or a Notice of Availability. (See Rule 88, Form No. 6.)

(e) The Process Office shall maintain the official service list for each pending proceeding. A party may change its address for service or its designation of a person for service by sending a written notice to the Process Office and serving a copy of the notice on each party on the official service list.

(f) The administrative law judge may correct and make minor changes to the official service list and may revise the official service list to delete

inactive parties. Before establishing a revised service list, the administrative law judge will give each person on the existing service list notice of the proposed revision and an opportunity to respond to the proposal.

(g) The administrative law judge may establish a special service list for documents related to a portion of a proceeding. A special service list allows service to be made on only a portion of the official service list. A special service list may be established, for example, for one phase of a multi-phase proceeding or for documents related to issues that are of interest only to certain parties. Before any special service list is established, the administrative law judge will give each person on the official service list notice of the proposal to establish a special service list and an opportunity to show why that person should be included on the special service list or why a special service list should not be established.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. References: Sections 1704, 3732-3735, Public Utilities Code; Sections 1013, 1013a, Code of Civil Procedure.

2.4. (Rule 2.4) Verification.

(a) Whenever a document is required to be verified by these rules, statute, order, or ruling, the verification must be made either by affidavit sworn or affirmed before a notary public or by declaration under penalty of perjury. When the verification is made by the person who signs the document, the verification must be separately stated and signed.

(b) The verification must be signed (see Rule 2.2(e)) and state that the contents of the document are true of the verifying person's own knowledge, except as to matters that are stated on information or belief, and as to those matters that he or she believes them to be true. (See Rule 88.)

(c) At least one applicant must verify applications (except applications for rehearing) and amendments thereto. Applications under Article 9 must be signed and verified by all applicants. At least one complainant must verify complaints and amendments thereto. At least one of the defendants filing an answer must verify it, but if more than one answer is filed in response to a complaint against multiple defendants, each answer must be separately verified.

(d) If these rules require a party to verify a document, it must be verified as follows (except as provided in subsection (e)):

- (1) If the party is an individual or sole proprietorship, by the individual or sole proprietor.
- (2) If the party is a corporation, trust, or association, by an officer.
- (3) If a party is a partnership or limited partnership, by a partner or general partner, respectively.
- (4) If the party is a governmental entity, by an officer, agent, or authorized employee.

(e) A party's attorney or representative may verify a document on behalf of a party if the party is absent from the county where the attorney's or representative's office is located, or if the party for some other reason is unable to verify the document. When a document is verified by the attorney or representative, he or she must set forth in the affidavit or declaration why the verification is not made by the party and must state that he or she has read the document and that he or she is informed and believes, and on that ground alleges, that the matters stated in it are true.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 446, Code of Civil Procedure.

2.5. (Rule 2.5) Copies.

(a) Unless otherwise required by these rules, and except for complaints (see Article 3), any person tendering a document for filing must submit an original and seven exact copies of the document (including any attachments but not including the transmittal letter, if any (see Rules 2.7(c), 3.1)). After an official service list is established in a proceeding (see Rule 2.3(e), (f), (g)), any person tendering a document for filing in that proceeding must submit an original and four copies of the document.

(b) In lieu of the original, one additional copy of the document may be tendered. If a copy is tendered instead of the original, the party tendering the document must retain the original, and produce it at the administrative law judge's request, until the Commission's final decision in the proceeding is no longer subject to judicial review.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

2.6. (Rule 2.6) Amendments and Errata.

(a) An amendment is a document that replaces and supersedes a previously filed document or adds new material to an existing document.

(1) An amendment to a previously filed application, protest, complaint, or answer must be filed and served at least five days before the scheduled date of hearing. Thereafter, amendments to these documents may be filed and served as permitted or directed by the administrative law judge. Amendments to other documents may be filed and served at any time, with the permission of the administrative law judge.

(2) If replies, responses, protests, or answers to a document are required or permitted, the time for filing a reply, response, protest, or answer to an amended document is calculated from the date the amendment is served. If a party has responded to, replied to, protested, or answered the document as previously filed, no additional response, reply, protest, or answer to new information or material presented by an amendment is necessary. If the changes presented in the amendment are minor and the parties have already had an opportunity to respond to, reply to, protest, or answer the original document, the administrative law judge may limit or prohibit any further replies, responses, protests, or answers.

(b) Minor typographical corrections or wording changes that do not alter the substance or tenor of a document or the relief requested therein need not be made. However, an optional filing of errata listing such corrections to a previously filed document may be made at any time, provided the correcting document is served on all parties. The filing of such errata will not be noted in the Daily Calendar.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

2.7. (Rule 2.7) Other Requirements.

(a) Specific types of documents may be subject to additional requirements stated in other articles of these rules. Additional or different requirements for certain types of filings are stated in the Public Utilities Code or in the Commission's decisions, General Orders, or resolutions.

(b) Except as otherwise required or permitted by these Rules or the Commission's decisions, General Orders, or resolutions, testimony and exhibits shall not be filed with the Docket Office (see Article 17).

(c) A letter transmitting documents to the Docket Office for filing is not required unless acknowledgment of the filing (Rule 3.1) is requested.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

3. (Rule 3) Time, Place, and Review of Filing; Docket.

(a) Unless otherwise directed, all documents must be tendered for filing at the Commission's Docket Office at the State Building, 505 Van Ness Avenue, San Francisco, California 94102, at the Commission's Offices in the State Building, 107 Broadway, Los Angeles, or at the Commission's Offices in the State Building, 1350 Front Street, San Diego.

All documents sent through the mail must be addressed to the Commission's Docket Office in San Francisco. Only hand-delivered documents will be accepted by the Los Angeles or San Diego office. First-class postage charges to San Francisco must be paid at the time documents are tendered to the Los Angeles or San Diego office. Payment of postage charges may be made by check or money order.

(b) Tendered documents are not considered filed until they have been reviewed and accepted for filing by the Docket Office in San Francisco.

(c) If a document complies with these rules and is accepted for filing by the Docket Office in San Francisco, the filing will be recorded as of the date it was first tendered for filing at the Commission's San Francisco, Los Angeles, or San Diego office.

(d) Any tendered document that does not comply with applicable rules, Commission orders, or statutes may be rejected. Rejected documents will be returned with a statement of the reasons for the

rejection. Documents submitted in response to a rejected document will not be filed.

(e) If a tendered document does not comply with applicable requirements, the Docket Office, with the consent of the party tendering the document, may retitle the document or strike part of the document, and the document as modified may be accepted for filing. The party tendering the document must notify all parties served with the document of the modification or striking.

(f) If a tendered document does not comply with applicable requirements, the party tendering the document may, in the body of the document, request waiver of the requirements to which the document does not conform. The request must state the reasons justifying the waiver. The assigned administrative law judge will decide whether or not to waive the requirements as requested. If the waiver is granted, the document will be filed as of the date it was tendered for filing.

(g) If a tendered document is in substantial, but not complete, compliance with Rules 2 through 2.6, the Docket Office may notify the party tendering the document of the defect. If the defect is cured within seven days of the date of this notification, the document will be filed as of the date it was tendered for filing, provided that the document was properly served as required by these Rules on or before the date the document was tendered for filing.

(h) Acceptance of a document for filing is not a final determination that the document complies with all requirements of the Commission and is not a waiver of such requirements. The Commission, the Executive Director, or the administrative law judge may require amendments to a document, and the Commission or the administrative law judge may entertain appropriate motions concerning the document's deficiencies.

(i) If a document initiates a new proceeding, the proceeding will be assigned a docket number when the document is accepted for filing. The Chief Administrative Law Judge shall maintain a docket of all proceedings.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

3.1. (Rule 3.1) Acknowledgments.

The Docket Office will provide an acknowledgment of the filing of any document on request, provided the filing party furnishes, at the time the document is tendered, an extra copy of a letter of transmittal or of the document and a self-addressed envelope with postage fully prepaid. The extra copy of the letter of transmittal or of the document will be stamped with the filing stamp and docket number and returned by mail.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

3.2. (Rule 3.2) Computation of Time.

When a statute or Commission decision, rule, order, or ruling sets a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day falls on a Saturday, Sunday, or holiday when the Commission offices are closed, the time limit is extended to include the first day thereafter.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. Reference: Section 12, Code of Civil Procedure.

3.3 (Rule 3.3) Filing Fees.

Filing fees required by the Public Utilities Code are set forth in the following table. If the fee in the table conflicts with the fee stated in the appropriate statute, the statute prevails. Filings marked with an asterisk should be submitted to the Tariff and License Branch of the Rail Safety and Carriers Division.

(see Table of Filing Fees at end of Rules)

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution. References: Section 1001, 1007, 1008, 1036, 1904, 2754, 2756, 3902, 4006, 5136, 5371.1, 5373.1 and 5377.1, Public Utilities Code.

3.4. (Rule 3.4) Daily Calendar.

A Daily Calendar of newly filed proceedings and proceedings set for hearings shall be available for public inspection at the Commission's San Francisco and Los Angeles offices. The Daily Calendar shall indicate the

time and place of the next three regularly scheduled Commission meetings. Printed copies of the Daily Calendar may be obtained by subscription at such price as may be established by the Commission. The Commission may also provide for electronic access to the Daily Calendar.

Note: Authority cited: Section 1701, Public Utilities Code; and Section 2, Article XII, California Constitution.

**Article 2.5. Rules and Procedures Applicable to All Proceedings
Filed After January 1, 1998, and to Some Proceedings
Filed Before January 1, 1998.**

4. (Rule 4) Applicability.

(a) The rules and procedures in this Article shall apply to any formal proceeding (except for a complaint under Rule 13.2) that is filed after January 1, 1998.

(b) The rules and procedures in this Article shall also apply to a formal proceeding (except for a complaint under Rule 13.2) that is filed before January 1, 1998, in the following circumstances:

(1) the proceeding is an "included proceeding" pursuant to Resolution ALJ-170 (January 13, 1997); or

(2) there has not, as of January 1, 1998, been a prehearing conference held or a determination made to hold a hearing in the proceeding, and the Commission, assigned Commissioner, or assigned Administrative Law Judge thereafter determines, by ruling or order, that a hearing should be held in the proceeding.

(c) Any proceeding to which the rules and procedures in this Article do not apply will be handled under the otherwise applicable Commission rules and procedures.

(d) For purposes of this Article, a proceeding initiated by a Commission order is filed as of the date of issuance of the order. A proceeding initiated by an application or complaint is filed as of the date it was tendered for filing in compliance with the rules and procedures of Article 2.

(e) Where the rules and procedures of this Article apply to a proceeding by virtue of subsection (b)(2) of this rule, nothing in this Article shall be construed to render invalid, or to require repetition of,

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producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"Heat corporation" shall not include a corporation or person employing landfill gas technology for the production or generation of heat for its own use or the use of its tenants or for sale to a heat corporation or state or local public agency.

(Amended by Stats. 1981, Ch. 214, Sec. 5.)

224.5. "Landfill gas technology" means the process of extraction of gas or gaseous compounds from sanitary landfill areas which gas or compound was generated as a byproduct of the materials composing the landfill. For purposes of this division, real estate, fixtures, and personal property including gas extraction wells, engines and compressors for gas removal or storage, gas cleaning or rectifying equipment, equipment for the generation or production of steam, electricity, heat, or other form of energy through the use of landfill gas, and facilities for the transmission or distribution of landfill gas or other form of energy generated or produced therefrom shall not be considered an electrical, gas, or heat plant or pipe line.

(Added by Stats. 1981, Ch. 214, Sec. 6.)

224.6. "Motor carrier of property" means a motor carrier of property as defined in Section 34601 of the Vehicle Code.

(Added by Stats. 1996, Ch. 1042, Sec. 10. Effective September 29, 1996.)

224.8. "Network railroad transportation" means railroad transportation that is subject to the jurisdiction of the federal Surface Transportation Board pursuant to subsection (a) or (b) of Section 10501 of Title 49 of the United States Code.

(Added by Stats. 1999, Ch. 1005, Sec. 4.5. Effective January 1, 2000.)

225. "Passenger stage" includes every stage, auto stage, or other motor vehicle used in the transportation of persons, or persons and their baggage or express, or persons or baggage or express, when such baggage or express is transported incidental to the transportation of passengers.

(Enacted by Stats. 1951, Ch. 764.)

226. (a) "Passenger stage corporation" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this state between fixed termini or over a regular route except those, 98 percent or more of whose operations as measured by total route mileage operated, which are exclusively within the limits of a single city or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and that institution.

For purposes of this section, the percentage of the route mileage within the limits of any city shall be determined by the Public Utilities Commission on the first day of January of each year, and the percentage so determined shall be presumed to continue for the year.

(b) "Passenger stage corporation" does not include that part of the operations of any corporation or person engaged in the ownership, control, operation, or management of any passenger stage over any public highway in this state, whether between fixed termini or over a regular route or otherwise, engaged in the transportation of any pupils or students to and from a public or private school, college, or university, or to and from activities of a public or private school, college, or university, where the rate, charge, or fare for that transportation is not computed, collected, or demanded on an individual fare basis.

(c) "Passenger stage corporation" does not include the transportation of persons between home and work locations or of persons having a common work-related trip purpose in a vehicle having a seating capacity of 15 passengers or less, including the driver, which is used for the purpose of ridesharing, as defined in Section 522 of the Vehicle Code, when the ridesharing is incidental to another purpose of the driver. This exemption also applies to a vehicle having a seating capacity of more than 15 passengers if the driver files with the commission evidence of liability insurance protection in the same amount and in the same manner as required for a passenger stage corporation, and the vehicle undergoes and passes an annual safety inspection by the Department of the California Highway Patrol. The insurance filing shall be accompanied by a one-time filing fee of seventy-five dollars (\$75). This exemption does not apply if the primary purpose for the transportation of those persons is to make a profit. "Profit," as used in this subdivision, does not include the recovery of the actual costs incurred in owning and operating a vanpool vehicle, as defined in Section 668 of the Vehicle Code.

(d) "Passenger stage corporation" does not include that part of the operations of any corporation or person engaged in the ownership, control, operation, or management of any medical transportation vehicles, including vehicles employed to transport developmentally disabled persons for regional centers established pursuant to Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code.

(e) "Passenger stage corporation" does not include the transportation of persons which is ancillary to commercial river rafting and is for the sole purpose of returning passengers to the point of origin of their rafting trip.

(f) "Passenger stage corporation" does not include social service transportation delivered by a nonprofit social service transportation provider or a locally licensed or franchised for-profit transportation provider which operates, in dedicated vehicles, social service transportation pursuant to contract with a nonprofit social service transportation provider organization as long as the provider does not use a vehicle designed for carrying more than 16 persons, including the driver, or does not operate vehicles which offer transportation services over regularly scheduled or fixed routes.

(g) "Passenger stage corporation" does not include intrastate passenger transportation service conducted pursuant to federal operating authority to the extent that regulation of these intrastate operations by the

commission is preempted by the federal Bus Regulatory Reform Act of 1982 (P.L. 97-261), as amended.

(Amended by Stats. 1988, Ch. 122, Sec. 1. Effective May 31, 1988.)

227. "Pipe line" includes all real estate, fixtures, and personal property, owned, controlled, operated, or managed in connection with or to facilitate the transmission, storage, distribution, or delivery of crude oil or other fluid substances except water through pipe lines.

(Enacted by Stats. 1951, Ch. 764.)

228. "Pipeline corporation" includes every corporation or person owning, controlling, operating, or managing any pipeline for compensation within this state.

"Pipeline corporation" shall not include a corporation or person employing landfill gas technology and owning, controlling, operating, or managing any pipeline solely for the transmission or distribution of landfill gas or other form of energy generated or produced therefrom.

(Amended by Stats. 1981, Ch. 214, Sec. 7.)

228.5. (a) The terms "qualifying small power producer," "small power production facility," and "qualifying small power production facility" have the same meaning as found in Section 796 of Title 16 of the United States Code and regulations enacted pursuant thereto.

(b) Notwithstanding any other provision of law, a qualifying small power producer owning or operating a small power production facility is not a public utility subject to the general jurisdiction of the commission solely because of the ownership or operation of the facility.

(c) The term "exempt wholesale generator" has the same meaning as found in Section 79z-5a of Title 15 of the United States Code, and regulations enacted pursuant thereto.

(d) Notwithstanding any other provision of law, an exempt wholesale generator is not a public utility subject to the general jurisdiction of the commission solely due to the ownership or operation of the facility.

(Amended by Stats. 1996, Ch. 853, Sec. 2. Effective January 1, 1997.)

229. "Railroad" includes every commercial, interurban, and other railway, other than a street railroad, and each branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures, and equipment, and all other real estate, fixtures, and personal property of every kind used in connection therewith, owned, controlled, operated, or managed for public use in the transportation of persons or property.

(Enacted by Stats. 1951, Ch. 764.)

230. "Railroad corporation" includes every corporation or person owning, controlling, operating, or managing any railroad for compensation within this State.

(Enacted by Stats. 1951, Ch. 764.)

234. (a) "Telephone corporation" includes every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.

(b) "Telephone corporation" does not include any of the following:

(1) Any hospital, hotel, motel, or similar place of temporary accommodation owning or operating message switching or billing equipment solely for the purpose of reselling services provided by a telephone corporation to its patients or guests.

(2) Any one-way paging service utilizing facilities that are licensed by the Federal Communications Commission, including, but not limited to, narrowband personal communications services described in Subpart D (commencing with Section 24.100) of Part 24 of Title 47 of the Code of Federal Regulations, as in effect on June 13, 1995.

(Amended by Stats. 1995, Ch. 357, Sec. 2. Effective January 1, 1996.)

235. "Telegraph line" includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

(Enacted by Stats. 1951, Ch. 764.)

236. "Telegraph corporation" includes every corporation or person owning, controlling, operating, or managing any telegraph line for compensation within this State.

(Enacted by Stats. 1951, Ch. 764.)

237. "Toll-bridge corporation" includes every private corporation or person owning, controlling, operating, or managing any bridge or appurtenance thereto, used for the transportation of persons or property for compensation in this State.

(Enacted by Stats. 1951, Ch. 764.)

238. (a) "Vessel" includes every species of watercraft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except rowboats, sailing boats, barges under 20 tons dead weight carrying capacity, and vessels which are both under the burden of five tons net register and under 30 feet in length. However, a vessel which is under the burden of five tons net register but is 30 or more feet in length is not a "vessel" for the purpose of this section if it is used to provide ship-to-shore services by which stores, supplies, spares, passengers, or crew of oceangoing ships are transported to or from ship and shore and payment for such services is made by, or arranged through, the oceangoing shipping company (commonly referred to as water taxi services).

(b) Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more

than three such commodities. This subsection shall apply only in the commodities, in bulk which are loaded and carried without wrapped containers and received and delivered by the carrier without transportation mark or count. For the purposes of this subsection more vessels while navigated as a unit shall be considered to be a vessel.

(c) Nothing in this code shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in service.

(d) Any person or corporation lawfully engaged in business in the transportation of persons or property during the entire one-year period preceding March 1, 1993, and continuously thereafter, and which, solely by virtue of the amendment to subdivision (a) made by the act that added this subdivision, will become subject to commission regulation as a common carrier by vessel, shall file with the commission, prior to March 1, 1993, an application for a certificate of public convenience and necessity to operate as a common carrier by vessel. However, in lieu of all other fees required by law, the applicant shall pay a fee of fifty dollars (\$50). The commission shall issue the certificate without further proceedings authorizing operation over the specific routes or within the specific area which conforms to the requirements of actual service in the transportation of persons or property as provided by the applicant with respect to its operations during the entire one-year period preceding March 1, 1993, and continuously thereafter.

(Amended by Stats. 1993, Ch. 1040, Sec. 1. Effective January 1, 1994.)

240. "Water system" includes all reservoirs, tunnels, shafts, dams, headgates, pipes, flumes, canals, structures, and appliances, and all real estate, fixtures, and personal property, owned, controlled, operated, or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, measurement of water for power, irrigation, reclamation, manufacturing, or for municipal, domestic, or other beneficial use.

(Enacted by Stats. 1951, Ch. 764.)

241. "Water corporation" includes every corporation or person owning, controlling, operating, or managing any water system for compensation within this State.

(Enacted by Stats. 1951, Ch. 764.)

243. This part shall not release or waive any right of action by the State, the commission, or any person or corporation for any right, penalty, or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

(Enacted by Stats. 1951, Ch. 764.)

244. No transit district, common carrier, or publicly owned transit system shall require any person to waive, limit, or qualify any right to recover damages for injury in exchange for such person being granted a reduced

furnish adequate and sufficient service without just cause or excuse and that such failure has continued for an unreasonable duration. Such bond shall further provide for payment to the commission of the amount of any penalty assessed against the corporation pursuant to Section 2107. The commission may, upon petition by a water or sewer system corporation, for good cause, reduce the amount or eliminate the requirement of any bond which it has required to be filed pursuant to this section.

(Added by Stats. 1980, Ch. 1078, Sec. 3.)

1007. No corporation or person shall begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this state, without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this part as it existed prior to August 17, 1923, under tariffs and schedules of such corporations or persons, lawfully on file with the commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, or issue it for operation between certain points only, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require.

(Amended by Stats. 1979, Ch. 578.)

1007.5. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of the state and by this part, and consistent with Section 9 of Article I of the California Constitution and Section 10 of Article I of the United States Constitution, may grant certificates of public convenience and necessity, make decisions and orders, and prescribe rules affecting vessel common carriers notwithstanding the provisions of any ordinance, permit, or franchise of any city, county, or other political subdivision of this state, and in the case of conflict between any certificate, decision, order, or rule of the commission and any ordinance, permit, or franchise, the certificate, decision, order, or rule of the commission shall prevail.

(Amended by Stats. 1994, Ch. 146, Sec. 184. Effective January 1, 1995.)

1008. Any municipal corporation or port district operating or maintaining a port may apply to the commission for the issuance of a certificate of convenience and necessity to require any person or corporation operating vessels between points in this State, to serve that port. The commission may, after hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise of the rights granted by any such certificate, upon such terms and conditions as in its judgment the public convenience and necessity require, and upon making the order the

(j) In construing and enforcing this section relating to penalties, the act, omission, or failure of any officer, agent, or employee of any registered telephone corporation qualifying under this section acting within the scope of his or her official duties or employment, shall in every case be the act, omission, or failure of the corporation. The commission may assess interest to commence upon the day the payment is delinquent. All fines, assessments, and interest collected shall be deposited at least once each month in the General Fund.

(k) Actions to enforce the decision of the commission ordering the payment of fines, reparations, or restitution under this section shall be brought in the name of the people of the State of California, in the superior court of the county, or city and county, in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides or in which the commission has offices. The enforcement of a commission decision or order under this section shall be commenced and prosecuted to final judgment by the attorney of the commission.

(l) The provisions of this section do not apply to Commercial Mobile Radio Services as defined by the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

(Added by Stats. 1995, Ch. 74, Sec. 1. Effective January 1, 1996.)

Article 2. Passenger Stage Corporations

(Article 2 enacted by Stats. 1951, Ch. 764.)

1031. No passenger stage corporation shall operate or cause to be operated any passenger stage over any public highway in this State without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any passenger stage corporation as to the fixed termini between which, or the route over which, it was actually operating in good faith on July 29, 1927, in compliance with the provisions of Chapter 213, Statutes of 1917, nor shall any such certificate be required of any person or corporation who on January 1, 1927, was operating, or during the calendar year 1926 had operated a seasonal service of not less than three consecutive months' duration, sight-seeing buses on a continuous sight-seeing trip with one terminus only. Any right, privilege, franchise, or permit held, owned, or obtained by any passenger stage corporation may be sold, assigned, leased, mortgaged, transferred, inherited, or otherwise encumbered as other property, only upon authorization by the commission.

(Enacted by Stats. 1951, Ch. 764.)

1031.5. The commission shall not issue or authorize the transfer of any certificate under this article to any person, firm, or corporation or to any officer or director of the firm, corporation, or other entity against whom a final judgment has been entered and whose name has been transmitted to the commission pursuant to Section 3716.4 of the Labor Code, unless that

judgment has been satisfied or has been discharged in accordance with the bankruptcy laws of the United States.

(Added by Stats. 1991, Ch. 1071, Sec. 3.5.)

1032. (a) Every applicant for a certificate shall file in the office of the commission an application therefor in the form required by the commission. The applicant shall forward a copy of the application to each public transit operator operating in any portion of the territory sought to be served by the applicant. The commission may, with or without a hearing, issue the certificate as requested, or refuse to issue it, or issue it for a partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate terms and conditions that, in the commission's judgment, the public convenience and necessity require.

(b) The commission may, after a hearing, issue a certificate to operate a territory already served by a certificate holder under this part only when the existing passenger stage corporation or corporations serving that territory will not provide that service to the satisfaction of the commission.

(c) Before issuing a certificate, the commission shall consider the effect of the applicant's proposed operations on the services, either provided directly or by contract, furnished by any public transit operator.

(Amended by Stats. 1993, Ch. 908, Sec. 1.5. Effective January 1, 1994.)

1032.1. (a) The commission shall not issue a certificate of public convenience and necessity pursuant to this article unless the applicant provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission.

(b) The commission, after considering any suggestions made by the Department of the California Highway Patrol, shall adopt a program that includes, but need not be limited to, all of the following requirements:

(1) Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol at such other times as the commission, after consulting the Department of the California Highway Patrol, shall designate. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(2) Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and for return-to-duty and followup testing, and other requirements except as provided otherwise in this section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(3) A test for one applicant shall be accepted as meeting the same requirement for any other applicant. Any negative test result shall be accepted for one year as meeting any requirement for periodic testing for that applicant or any other applicant, if the driver has not tested positive

subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

(4) In the case of an applicant who is also a driver, test results shall be reported directly to the commission. In all other cases, results shall be reported directly to the applicant.

(5) All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

(6) Applicants shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an applicant may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and followup testing.

(7) The requirements of the program do not apply to any driver required to comply with the controlled substance and alcohol use and testing requirements of Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, or Section 34520 of the Vehicle Code, or to any driver exempted from the provisions of that section.

(c) No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

(d) On the request of an applicant, the commission shall give the applicant a list of consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the commission knows offer tests in California.

(e) The commission shall conduct random and for-cause inspections of applicants' documents supporting compliance with the program.

(f) For purposes of this section, "employment" includes self-employment as an independent driver.

(Added by Stats. 1995, Ch. 405, Sec. 2. Effective January 1, 1996.)

1032.5. The commission shall issue a certificate pursuant to this article to every passenger stage corporation which conducts intrastate passenger transportation service pursuant to federal operating authority, to the extent that regulation of these operations is not preempted by the federal Bus Regulatory Reform Act of 1982 (P.L. 97-261), as amended. The commission may attach any conditions or limitations to the issuance of the certificate which it may specify, consistent with federal law and regulation.

(Added by Stats. 1984, Ch. 142, Sec. 4.)

1033. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this part, may grant certificates of public convenience and necessity, make decisions and orders, and prescribe rules affecting passenger stage corporations, notwithstanding the provisions of any ordinance or permit of any city, county, or city and county, and in case of conflict between any such order or rule and any such

ordinance or permit, the certificate, decision, order, or rule of the commission shall prevail.

(Enacted by Stats. 1951, Ch. 764.)

1033.5. (a) The commission may, at any time for good cause, suspend an operating right acquired by virtue of operations conducted on July 29, 1927, or a certificate of public convenience and necessity and, upon notice to the holder and opportunity to be heard, revoke, alter, or amend the operating right or certificate.

(b) As an alternative to the suspension, revocation, alteration, or amendment of an operating right or certificate, the commission may impose upon the holder a fine not to exceed five thousand dollars (\$5,000). The commission may assess interest upon any fine imposed, the interest to commence upon the day the payment of the fine is delinquent. All fines and interest collected shall be deposited at least once each month in the Public Utilities Commission Transportation Reimbursement Account in the General Fund.

(c) For purposes of this section, "good cause" includes, but is not limited to, either of the following:

(1) A consistent failure of the holder of the operating right or certificate to maintain vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety, as shown by the records of the commission, the Department of Motor Vehicles, the Department of the California Highway Patrol, or the passenger stage corporation.

(2) The holder's knowing and willful filing of a false report which understates revenues and fees.

(Amended by Stats. 1991, Ch. 927, Sec. 1.)

1033.7. (a) Upon receipt of a written recommendation from the Department of the California Highway Patrol that the certificate of a passenger stage corporation be suspended either (1) for failure to maintain any vehicle used in transportation for compensation in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulations relative to motor carrier safety, if that failure is either a consistent failure or presents an imminent danger to public safety, or (2) for failure to enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code, the commission shall, pending a hearing in the matter pursuant to subdivision (d), suspend the corporation's certificate. The department's written recommendation shall specifically indicate compliance with subdivision (c).

(b) A corporation whose certificate is suspended pursuant to subdivision (a) may obtain a reinspection of its terminal and vehicles by the department, by submitting a written request for reinstatement to the commission and paying a reinstatement fee of one hundred twenty-five dollars (\$125). The commission shall deposit all reinstatement fees collected pursuant to this subdivision in the Public Utilities Commission

Transportation Reimbursement Account. The commission shall forward a request for reinspection to the department which shall perform a reinspection within a reasonable time. The commission shall reinstate a corporation's certificate suspended under subdivision (a) promptly upon receipt of a written recommendation from the department that the corporation's safety compliance has improved to the satisfaction of the department, unless the certificate is suspended for another reason or has been revoked.

(c) Before transmitting a recommendation pursuant to subdivision (a) to the commission, the Department of the California Highway Patrol shall notify the passenger stage corporation in writing of all of the following:

(1) That the department has determined that the corporation's safety record is unsatisfactory, furnishing a copy of any documentation or summary of any other evidence supporting the determination.

(2) That the determination may result in a suspension or revocation of the corporation's certificate by the commission.

(3) That the corporation may request a review of the determination by the department within five days of its receipt of the notice required under this subdivision. If a review pursuant to this paragraph is requested by the corporation, the department shall conduct and evaluate that review prior to transmitting any notification to the commission pursuant to subdivision (a).

(d) Whenever the commission suspends the certificate of any passenger stage corporation pursuant to subdivision (a), the commission shall furnish the corporation written notice of the suspension and shall hold a hearing within a reasonable time, not to exceed 21 days, after a written request therefor is filed with the commission, with a copy thereof furnished to the Department of the California Highway Patrol. At the hearing, the corporation shall show cause why the suspension should not be continued. At the conclusion of the hearing, the commission may, in addition to any other applicable penalty provided in this part, terminate the suspension, continue the suspension in effect, or revoke the certificate. The commission may revoke the certificate of any passenger stage corporation suspended pursuant to subdivision (a) at any time 90 days or more after its suspension if the commission has not received a written recommendation for reinstatement from the department and the corporation has not filed a written request for a hearing with the commission.

(e) If the commission, after a hearing, finds that a passenger stage corporation has continued to operate as such after its certificate has been suspended pursuant to subdivision (a), the commission shall do one of the following:

(1) Revoke the certificate of the corporation.

(2) Impose upon the holder of the certificate a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each day of unlawful operations.

(Amended by Stats. 1991, Ch. 928, Sec. 4.5. Effective October 14, 1991. Operative January 1, 1992, by Sec. 41 of Ch. 928.)

1033.8. (a) Upon receipt of a stop order issued by the Director of Industrial Relations pursuant to Section 3710.1 of the Labor Code, the commission shall investigate to determine whether the passenger stage corporation has filed a false statement relative to workers' compensation insurance coverage, in violation of statute, or rules or orders of the commission. If, after notice and opportunity to be heard, the commissioner determines that there has been a violation of statute, or rules or orders of the commission, the commission shall impose appropriate penalties, which may include a fine and suspension of operating authority for a violation.

(b) Upon receipt of a complaint from the Director of Industrial Relations that a final judgment has been entered against any passenger stage corporation as a result of an award having been made to an employee pursuant to Section 3716.2 of the Labor Code, the commission shall, 30 days from the date notice to the corporation is mailed, revoke the corporation's certificate of public convenience and necessity, unless the judgment has been satisfied or has been discharged in accordance with the bankruptcy laws of the United States or the corporation requests a hearing pursuant to subdivision (c).

(c) Within seven days of receipt of a complaint from the Director of Industrial Relations that a final judgment has been entered against a passenger stage corporation as a result of an award having been made to an employee pursuant to Section 3716.2 of the Labor Code, the commission shall furnish to the corporation named in the final judgment written notice of the right to a hearing regarding the complaint and the procedure to follow to request a hearing. The notice shall state that the commission is required to revoke the corporation's certificate of public convenience and necessity to operate pursuant to subdivision (b) after 30 days from the date the notice is mailed unless the corporation provides proof that the judgment is satisfied or has been discharged in accordance with the bankruptcy laws of the United States and the commission has been so notified seven days prior to the conclusion of the 30-day waiting period. The notice shall also inform the corporation of a right to a hearing and the procedures to follow to request a hearing. The corporation may request a hearing within 10 days from the date the notice is sent by the commissioner. The request for the hearing shall stay the revocation. The hearing shall be held within 30 days of the receipt of the request. If the commission finds that an unsatisfied judgment exists concerning a debt arising under Section 3717 of the Labor Code, the commission shall immediately revoke the corporation's certificate of public convenience and necessity.

(Added by Stats. 1991, Ch. 1071, Sec. 4.)

1034. When a complaint has been filed with the commission alleging that any passenger stage is being operated without a certificate of public convenience and necessity, contrary to or in violation of the provisions of this part, the commission may, with or without notice, make its order requiring the corporation or person operating or managing such passenger stage, to cease and desist from such operation, until the commission make

and files its decision on the complaint, or until further order of the commission.

(Enacted by Stats. 1951, Ch. 764.)

1034.5. Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a passenger stage corporation without having a valid certificate or issued under this article is guilty of a misdemeanor punishable, if an individual, by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both, or, if a corporation, by a fine of not more than five thousand dollars (\$5,000).

(Added by Stats. 1986, Ch. 382, Sec. 1.)

1035. Whether or not any stage, auto stage, or other motor vehicle is being, or is proposed to be operated as a passenger stage corporation "between fixed termini or over a regular route" within the meaning of this part is a question of fact, and the finding of the commission thereon is final and is not subject to review. Any act of transporting or attempting to transport any person or persons by stage, auto stage, or other motor vehicle upon a public highway of this State between two or more points not both within the limits of a single city or city and county, where the rate, charge, or fare for such transportation is computed, collected, or demanded on an individual fare basis, shall be presumed to be an act of operating as a passenger stage corporation within the meaning of this part.

(Enacted by Stats. 1951, Ch. 764.)

1036. (a) Each application for a certificate of public convenience and necessity made under this article shall be accompanied by a fee of five hundred dollars (\$500), unless the applicant is already operating in the immediate vicinity under the jurisdiction of the commission.

(b) No certificate issued pursuant to, or rights to conduct any of the services authorized by, this article shall be sold, leased, or assigned, or otherwise transferred or encumbered, unless authorized by the commission. A filing fee of three hundred dollars (\$300) shall accompany all applications for that authorization.

(Amended by Stats. 1986, Ch. 382, Sec. 2.)

1037. Every passenger stage corporation which violates any provision of this article, or aids or abets, or without being present advises or encourages any person or corporation in such violation, is guilty of a misdemeanor and, upon conviction thereof, if a person, shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in a county jail for a term not to exceed six months, or by both such fine and imprisonment, or, if a corporation, shall be punished by a fine not to exceed one thousand dollars (\$1,000).

(Amended by Stats. 1983, Ch. 1092, Sec. 348. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

1038. The interior of every passenger stage operated for hire in this State shall be maintained in a clean and sanitary condition.

(Added by Stats. 1963, Ch. 1007.)

1038.5. A passenger stage corporation shall not operate any motor vehicle on a public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the vehicle belongs. The identifying symbol shall not be displayed until a certificate of public convenience and necessity has been issued under this chapter for the operation.

The identifying symbol displayed by a passenger stage corporation subject to the Interstate Commerce Commission shall serve in lieu of the display requirements of this section.

(Added by Stats. 1985, Ch. 1369, Sec. 6.)

1039. In every written or oral advertisement of the service it offers, every passenger stage corporation shall state the number of its certificate or identifying symbol, as specified by the commission.

(Added by Stats. 1986, Ch. 382, Sec. 3.)

1040. The commission shall, in issuing a certificate pursuant to this article, require the passenger stage corporation to procure, and to continue in effect during the life of the certificate, adequate protection against liability imposed by law upon the corporation for the payment of damages for personal bodily injuries, including death resulting therefrom, protection against a total liability of the corporation on account of bodily injuries to, or death of, more than one person as a result of any one accident, and protection against damage or destruction of property.

The minimum requirements for these assurances of protection against liability shall not be less than the requirements which are applicable to operations of carriers conducted pursuant to the federal Bus Regulatory Reform Act of 1982 (P.L. 97-261), as amended. However, for vehicles designed to carry not more than eight persons, including the driver, the commission shall not require protection against a total liability of the corporation on account of bodily injuries to, or death of, more than one person as a result of any one accident in an amount exceeding seven hundred fifty thousand dollars (\$750,000).

(Amended by Stats. 1985, Ch. 1056, Sec. 1. Effective September 27, 1985.)

1041. It is unlawful for the owner of a passenger stage employing or otherwise directing the driver of the passenger stage to permit the operation of the passenger stage upon any public highway for compensation without first having obtained from the commission a certificate pursuant to this chapter or without first having complied with the vehicle identification requirements of Section 1038.5 or the accident liability protection requirements of Section 1040.

(Added by Stats. 1988, Ch. 1093, Sec. 2.)

1042. (a) Every passenger stage corporation shall furnish the commission annually, as specified by the commission, a list, prepared under

oath, of all vehicles used in transportation for compensation during the preceding year. The commission shall furnish a copy of this list to the Department of the California Highway Patrol and to the corporation's insurer, if the corporation's accident liability protection is provided by a policy or policies of insurance.

(b) If the passenger stage corporation's insurer informs the commission that the corporation has failed to obtain insurance coverage for any vehicle reported on the list, the commission may, in addition to any other applicable penalty provided in this part, for a first occurrence, suspend the corporation's certificate or impose a fine, or both, and for a second or subsequent occurrence may suspend or revoke the certificate or impose a fine, or both.

(Added by Stats. 1988, Ch. 916, Sec. 4.)

1043. Every passenger stage corporation earning over three hundred fifty thousand dollars (\$350,000) in annual gross operating revenue shall, under oath, file annually a report indicating the number, classification, and compensation of all employees and owner-operator drivers hired or engaged during the reporting period. The commission shall submit a copy of the report to the administrator of the corporation's workers' compensation self-insurance plan if the corporation is self-insured, or to the corporation's workers' compensation insurer if the corporation's workers' compensation protection is provided by a policy or policies of insurance. The commission shall not be obligated to undertake an independent investigation of the adequacy of workers' compensation insurance coverage based on the information contained in the report if the carrier has complied with Section 460.7.

(Added by Stats. 1989, Ch. 1240, Sec. 1.5.)

1044. When the executive director of the commission determines that any passenger stage corporation, or any officer, director, or agent of any passenger stage corporation, has engaged in, is engaged in, or is about to engage in, any acts or practices in violation of this chapter, or any order, decision, rule, regulation, direction, demand, or requirement issued under this chapter, the executive director may make application to the superior court for an order enjoining those acts or practices or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order, including, but not limited to, an order allowing vehicles used for subsequent operations subject to the order to be impounded at the carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle, upon a showing by the executive director that a person or corporation has engaged in or is about to engage in these acts or practices.

(Amended by Stats. 1994, Ch. 457, Sec. 1. Effective January 1, 1995.)

1045. After the cancellation or revocation of a certificate, or during the period of its suspension, it is unlawful for a passenger stage corporation to conduct any operations as a carrier. The commission may either grant or

deny an application for a new certificate whenever it appears that a prior certificate of the applicant has been canceled or revoked pursuant to Section 1033.5 or whenever it appears, after hearing, that as a prior certificate holder, the applicant engaged in any of the unlawful activities set forth in Section 1033.5 for which his or her certificate might have been canceled or revoked.

(Added by Stats. 1995, Ch. 362, Sec. 1. Effective January 1, 1996.)

Article 5. Electrical and Gas Corporations

(Article 5 added by Stats. 1982, Ch. 1253, Sec. 5.)

1091. In addition to the requirements of Article 1 (commencing with Section 1001) and any other provision of law, every electrical and every gas corporation proposing to construct or modify any electric or gas plant within the state, or line, or extension, which will in the case of an electrical plant, line, or extension add generating capacity in excess of 50 megawatts, or in the case of a gas plant, line, or extension cost in excess of fifty million dollars (\$50,000,000), or proposing to construct any electric or gas plant out-of-state of which at least twenty-five percent (25%) of the costs will be borne by the corporation, shall comply with this article.

(Added by Stats. 1982, Ch. 1253, Sec. 5.)

1092. Whenever application is made to the commission for certification of an electric or gas plant, line, or extension subject to this article, the commission shall appoint a construction project board of consultants to evaluate the design, construction, project management, and economic soundness of the proposed plant, line, or extension, if the commission determines that a significant potential exists for the occurrence of problems in any of the areas for which an electrical or gas corporation is required to submit information pursuant to Section 1003 or 1003.5. The extent of the board's evaluation shall be determined by the commission. The board may, upon approval of the commission, employ staff independent of the commission staff to carry out its functions under this article. The board may, upon approval of the commission, undertake special studies addressing potential problem areas identified by the board.

(Added by Stats. 1982, Ch. 1253, Sec. 5.)

1093. (a) The construction project board of consultants shall consist of eminently qualified and highly experienced design, construction, and project management economic specialists who can, as a group or as individuals, independently and objectively address the full scope of design, construction, and project management and economic evaluations requested by the commission.

(b) No member of the construction project board of consultants shall have a current financial interest in, or receive any significant amount of his or her annual compensation for consulting services in his or her area of special expertise from, any corporation or person which has a financial interest in the project. The commission shall define financial interest and significant amount of annual compensation for purposes of this subdivision.

standards for pipeline facilities or the transportation of gas in the State of California may be compromised by the commission. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be recovered in a civil action in the name of the People of the State of California in the superior court in and for the county, or city and county in which the cause or some part thereof arose, or in which the corporation complained of has its principal place of business or the person complained of resides. In any such action, all penalties incurred, or amounts agreed upon in compromise for violations committed up to the time of commencing the action may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state in any such action, together with the costs thereof, shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1970, Ch. 520.)

2105. All penalties accruing under this part shall be cumulative, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility, or any officer, director, agent, or employee thereof, or any other corporation or person, or to the exercise by the commission of its power to punish for contempt.

(Enacted by Stats. 1951, Ch. 764.)

2106. Any public utility which does, causes to be done, or permits any act, matter, or thing prohibited or declared unlawful, or which omits to do any act, matter, or thing required to be done, either by the Constitution, any law of this State, or any order or decision of the commission, shall be liable to the persons or corporations affected thereby for all loss, damages, or injury caused thereby or resulting therefrom. If the court finds that the act or omission was wilful, it may, in addition to the actual damages, award exemplary damages. An action to recover for such loss, damage, or injury may be brought in any court of competent jurisdiction by any corporation or person.

No recovery as provided in this section shall in any manner affect a recovery by the State of the penalties provided in this part or the exercise by the commission of its power to punish for contempt.

(Enacted by Stats. 1951, Ch. 764.)

2107. Any public utility which violates or fails to comply with any provision of the Constitution of this state or of this part, or which fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission, in a case in which a penalty has not otherwise been provided, is subject to a

penalty of not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000) for each offense.

(Amended by Stats. 1993, Ch. 222, Sec. 1. Effective January 1, 1994.)

2107.5. When the commission finds, after hearing, that any person or corporation has knowingly aided or abetted a common carrier in violating Section 458 or has violated Section 459, or any order, decision, rule, regulation, direction, demand, or requirement issued under those provisions, the commission may impose a fine for each violation not to exceed five thousand dollars (\$5,000). In addition to the fine, the commission may impose interest on the fine, not to exceed the maximum rate of interest provided for in Section 1 of Article XV of the Constitution. Interest shall commence to accrue on the date when the payment of the fine becomes delinquent.

(Amended by Stats. 1996, Ch. 1042, Sec. 25. Effective September 29, 1996.)

2108. Every violation of the provisions of this part or of any part of an order, decision, decree, rule, direction, demand, or requirement of the commission, by any corporation or person is a separate and distinct offense and in case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

(Enacted by Stats. 1951, Ch. 764.)

2109. In construing and enforcing the provisions of this part relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be the act, omission, or failure of such public utility.

(Enacted by Stats. 1951, Ch. 764.)

2110. Every public utility and every officer, agent, or employee of any public utility, who violates or fails to comply with, or who procures, aids, or abets any violation by any public utility of any provision of the Constitution of this state or of this part, or who fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, or who procures, aids, or abets any public utility in such violation or noncompliance in a case in which a penalty has not otherwise been provided, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

(Amended by Stats. 1967, Ch. 520.)

2111. Every corporation or person, other than a public utility and its officers, agents, or employees, which or who knowingly violates or fails to comply with, or procures, aids or abets any violation of any provision of the Constitution of this state relating to public utilities or of this part, or fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, or who procures, aids, or abets any public utility in such violation or noncompliance, in a case in which a penalty has not otherwise been provided for such corporation or person, is subject to a

penalty of not less than five hundred dollars (\$500), nor more than twenty thousand dollars (\$20,000) for each offense.

(Amended by Stats. 1993, Ch. 222, Sec. 2. Effective January 1, 1994.)

2112. Every person who, either individually, or acting as an officer, agent, or employee of a corporation other than a public utility, violates any provision of this part, or fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, or who procures, aids, or abets any public utility in such violation or noncompliance, in a case in which a penalty has not otherwise been provided for such person, is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

(Enacted by Stats. 1951, Ch. 764.)

2112.5. Notwithstanding any other provision of law, any person who willfully violates the provisions of Section 588 is guilty of a misdemeanor, subject to a penalty of not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), for each offense.

(Added by Stats. 1994, Ch. 112, Sec. 2. Effective January 1, 1995.)

2113. Every public utility, corporation, or person which fails to comply with any part of any order, decision, rule, regulation, direction, demand, or requirement of the commission or any commissioner is in contempt of the commission, and is punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section does not bar or affect any other remedy prescribed in this part, but is cumulative and in addition thereto.

(Enacted by Stats. 1951, Ch. 764.)

2114. Any public utility on whose behalf any agent or officer thereof who, having taken an oath that he will testify, declare, depose or certify truly before the commission, willfully and contrary to such oath states or submits as true any material matter which he knows to be false, or who testifies, declares, deposes, or certifies under penalty of perjury and willfully states as true any material matter which he knows to be false, is guilty of a felony and shall be punished by a fine not to exceed five hundred thousand dollars (\$500,000).

(Added by Stats. 1975, Ch. 1264.)

2115. Whenever the commission determines that a railroad corporation has violated any order of the commission concerning the adequacy, condition, or safety of the corporation's cars or tracks or any related fixture or appliance, the commission may impose upon the corporation a fine of not exceeding two thousand dollars (\$2,000) for each violation or a fine of not exceeding two hundred dollars (\$200) for each day that a violation continues uncorrected. The commission may assess interest upon any fine imposed, which shall commence upon the day the payment of the fine is delinquent.

(Added by Stats. 1982, Ch. 618, Sec. 2.)

2117. (a) Whenever a written notice to appear has been mailed to the owner of a passenger stage, an exact and legible duplicate copy of the notice, when filed with the magistrate in lieu of a verified complaint, is a complaint to which the defendant may plead guilty.

(b) If, however, the defendant fails to appear, does not deposit bail, or pleads other than guilty to the offense charged, a complaint shall be filed which conforms to Chapter 2 (commencing with Section 948) of Title 5 of Part 2 of the Penal Code and which shall be deemed to be an original complaint, and thereafter the proceeding shall be held as provided by law, except that the defendant may, by an agreement in writing, subscribed by the defendant and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(Amended by Stats. 1996, Ch. 1042, Sec. 26. Effective September 29, 1996.)

2119. Every passenger stage corporation and every officer, director, agent, or employee of a passenger stage corporation, who displays on any vehicle any identifying symbol other than one prescribed by the commission pursuant to Section 1038.5, or who fails to remove an identifying symbol when required by the commission, is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than one year, or by both.

(Amended by Stats. 1996, Ch. 1042, Sec. 27. Effective September 29, 1996.)

PART 2. SPECIFIC PUBLIC UTILITIES

(Part 2 enacted by Stats. 1951, Ch. 764.)

CHAPTER 2. WATER COMPANIES

(Chapter 2 enacted by Stats. 1951, Ch. 764.)

2701. Any person, firm, or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any water system within this State, who sells, leases, rents, or delivers water to any person, firm, corporation, municipality, or any other political subdivision of the State, whether under contract or otherwise, is a public utility, and is subject to the provisions of Part 1 of Division 1 and to the jurisdiction, control, and regulation of the commission, except as otherwise provided in this chapter.

(Enacted by Stats. 1951, Ch. 764.)

2702. Any corporation or association which is organized for the purpose of delivering water solely to its stockholders or members at cost, and which delivers water to others than its stockholders or members, or to the state or any department or agency thereof or any school district, or to any other mutual water company, for compensation, is a public utility and is subject to Part 1 (commencing with Section 201) and to the jurisdiction, control, and regulation of the commission.

(Amended by Stats. 1983, Ch. 142, Sec. 130.)

SECTION V

**PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

RULES REQUIRING ALL PASSENGER STAGE CORPORATIONS SUBJECT TO THE PUBLIC UTILITIES CODE TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY IMPOSED BY LAW UPON SUCH CARRIERS FOR THE PAYMENT OF DAMAGES FOR PERSONAL BODILY INJURIES (INCLUDING DEATH RESULTING THEREFROM) AND DAMAGE TO OR DESTRUCTION OF PROPERTY.

Adopted November 6, 1985. Effective November 19, 1985.
(Resolution PE-2149)

(1) Each passenger stage corporation, as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as it may engage in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) and for damage to or destruction of property, other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant, in amounts not less than the amounts set forth in the following schedule:

<i>Vehicle Seating Capacity</i>	<i>Amount of Coverage</i>
Any vehicle with a seating capacity of 16 passengers or more	\$5,000,000
Any vehicle with a seating capacity of 8 passengers through 15 passengers, inclusive	\$1,500,000
Any vehicle with a seating capacity of 7 passengers or less	\$750,000

- (2) The protection herein required shall be provided in one of the following ways:
- (a) By a certificate or certificates of public liability insurance and property damage insurance in a form approved by the Commission, issued by a company, or companies, licensed to write such insurance in the State of California, or by nonadmitted insurers subject to Section 1763 of the Insurance Code.
 - (b) By an original bond, or bonds, issued by a surety company, or companies, permitted to write surety bonds in the State of California.
 - (c) By a certificate of insurance issued on behalf of Lloyd's of London by a special lines' surplus line broker licensed as such in this State.
 - (d) By any other plan of protection for the public approved as hereinafter required.
 - (e) By a plan of self-insurance approved as hereinafter required.
 - (f) By a combination of two or more of the foregoing methods.
- (3) The certificate of insurance or bond evidencing such protection

hereinabove required shall not be cancelable on less than thirty days' written notice to the Public Utilities Commission, such notice to commence to run from the date the notice is actually received at the office of the Commission.

(4) The Commission will give consideration to and may approve the application of a passenger stage corporation to qualify as a self-insurer provided such passenger stage corporation files an application with the Commission supported by a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such passenger stage corporation to satisfy its obligations for public liability and property damage within the limits hereinabove prescribed, without affecting the stability and permanency of the business of such passenger stage corporation.

(5) The Commission will also consider applications for approval of other securities or agreements of indemnity and may approve any such applications if satisfied that the security or agreement of indemnity offered will afford the security for the protection of the public hereinabove contemplated.

(6) Any passenger stage corporation engaged in interstate or intrastate operations within the State of California, which is and becomes qualified as a self-insurer with the Interstate Commerce Commission in accordance with the laws of the United States applicable to self-insurance by motor carriers and the rules of the Interstate Commerce Commission promulgated thereunder, shall be exempt, so long as such qualification remains effective, from the foregoing provisions of this General Order. Proof of the existence and continuation of such exempt status shall be filed with the Commission annually. Such proof shall be made by affidavit of the carrier. Additional affidavits or other proof of such qualification shall be filed in such form and at such times as the Commission may require.

(7) Each passenger stage corporation desiring to become qualified as a self-insurer, or to have orders or certificates issued by the Interstate Commerce Commission authorizing self-insurance accepted by this Commission, or to have other securities or agreements of indemnity accepted in lieu of the bond or insurance hereinabove provided, shall make application therefore to this Commission stating all of the facts which shall be required by the Commission with respect thereto. If such application is approved, the passenger stage corporation, while such order of approval remains effective, shall be exempt from furnishing a certificate of insurance or bond hereinabove provided.

(8) Every insurance certificate, surety bond, or equivalent protection to the public shall contain a provision that such certificate, surety bond, or equivalent protection shall remain in full force and effect until cancelled in the manner provided by Section (3) of this General Order.

(9) The cancellation or suspension of a policy of insurance or surety

bond or the cancellation, suspension, or surrender of a certificate of self-insurance issued by this Commission or the Interstate Commerce Commission, or the impairment or destruction of any security, or the cancellation or termination or any agreement of indemnity, or the alteration (without first obtaining Commission authorization) of any agreement of indemnity, shall constitute good cause for suspension or revocation of the operating authority of the affected passenger stage corporation. No operation shall be conducted on any highway of the State of California unless a certificate of insurance, certificate of self-insurance coverage, bond, or the other securities or agreements of indemnity hereinabove specified, shall be in effect and on file with the Commission.

Approved and dated at San Francisco, California, this 6th day of November, 1985.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By JOSEPH BODOVITZ
Executive Director

**PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

RULES AND REGULATIONS REQUIRING ALL VESSEL COMMON CARRIERS SUBJECT TO THE PUBLIC UTILITIES CODE TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY IMPOSED BY LAW UPON SUCH CARRIERS FOR THE PAYMENT OF DAMAGES FOR PERSONAL BODILY INJURIES (INCLUDING DEATH RESULTING THEREFROM) AND DAMAGE TO OR DESTRUCTION OF PROPERTY.

Adopted September 6, 1984. Effective January 1, 1985.
(Decision 84-09-088. OII 83-08-03).

Amended December 5, 1984. Effective December 5, 1984: Decision 84-12-001.

(1) Every vessel common carrier, as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) and for damage to or destruction of property, other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant, in amounts not less than the amounts set forth in the following schedule:

Kind of Equipment (Passenger Seating Capacity)	For bodily injuries to or death of one person	For bodily injuries to or death of all persons injured or killed in, any one accident	For loss or damage, in any one accident, to property of others (excluding cargo)	Minimum for Single Limit Coverage
		(subject to a maximum of \$150,000 for bodily injuries to or death of one person)		
Property Only (No passengers).....	\$150,000	\$600,000	\$100,000	\$700,000
1— 99 passengers ..	\$150,000	1,000,000	\$100,000	1,100,000
100— 199 passengers ..	\$150,000	1,100,000	\$100,000	1,200,000
200— 299 passengers ..	\$150,000	1,200,000	\$100,000	1,300,000
300— 399 passengers ..	\$150,000	1,300,000	\$100,000	1,400,000
400— 499 passengers ..	\$150,000	1,400,000	\$100,000	1,500,000
500— 999 passengers ..	\$150,000	2,000,000	\$100,000	2,100,000
1,000— 1,999 passengers ..	\$150,000	3,000,000	\$100,000	3,100,000
2,000 or more passengers..	\$150,000	4,000,000	\$100,000	4,100,000

(2) The amount of coverage to be provided by each carrier shall be determined in one of the following ways:

- (a) Where the policy, surety bond or contract covers more than one vessel, the coverage for all vessels shall be determined by the coverage applicable to that covered vessel which has the highest requirement.
- (b) Where each vessel is covered by a separate policy, bond or contract or by separate schedules each of which is applicable to a single vessel within a policy, bond or contract cover-

ing two or more vessels, then the minimum required coverage for each vessel shall be determined by its own individual requirement.

(3) The protection herein required shall be provided in one of the following ways:

- (a) By a certificate or certificates of public liability insurance and property damage insurance in a form approved by the Commission, issued by a company, or companies, licensed to write such insurance in the State of California, or nonadmitted insurers subject to Section 1760.5 of the Insurance Code.
 - (b) By an original bond, or bonds, issued by a surety company or companies, permitted to write surety bonds in the State of California.
 - (c) By a certificate of insurance issued on behalf of Lloyd's London by a special lines' surplus line broker licensed such in this State.
 - (d) By any other plan of protection for the public approved hereinafter required.
 - (e) By a plan of self-insurance approved as hereinafter required.
 - (f) By a combination of two or more of the foregoing methods.
- (4) When protection is to be provided by the means set forth in subparagraphs (a), (b), (c), (d), and (f) of paragraph (3) hereof, a deductibility clause may be inserted. Where 5 per centum, or less, of the risk is made deductible, no special approval will be required. Where more than 5 per centum of the risk is made deductible, special approval under paragraph (6) of this general order shall be required.
- (5) The protection provided hereunder shall not be cancelable or less than thirty days' written notice to the Public Utilities Commission, such notice to commence to run from the date the notice is actually received at the office of the Commission.
- (6) When the protection is provided by an approved alternate plan or a plan of self-insurance, or includes such an approved plan or plan of self-insurance with other methods, approval of the Commission is required. Such approval shall be requested by a formal application in accordance with the Commission's Rules of Practice and Procedure setting forth all the facts which shall be required by the Commission with respect thereto.
- (7) Every insurance certificate, surety bond or alternate plan of equivalent protection to the public shall contain a provision that such certificate, surety bond or alternate plan of equivalent protection shall remain in full force and effect until canceled in the manner provided by Paragraph (5) of this General Order.
- (8) The cancellation of a certificate of insurance or surety bond, or

the impairment or destruction of any security or the cancellation or termination of any approved alternate plan, shall constitute good cause for suspension or revocation of the operating authority of the affected vessel common carrier. No operation shall be conducted within the State of California unless a certificate of insurance, surety bond, or approved alternate plan of equivalent protection hereinabove specified shall be in effect and on file with the Commission.

(9) On or prior to commencing operations, each vessel common carrier shall file an affidavit (signed by an executive officer of a corporation, by a partner if a partnership, or by the owning operator if an individual) with the Commission setting forth the passenger seating capacity of each type of vessel in commercial operation. At any time that the passenger seating capacity of any such vessel may be increased to a point where the protection then on file as provided in paragraph 1 of this general order is inadequate, and if a new type of vessel is acquired and operated, a supplementary affidavit of passenger seating capacity shall be filed with the Commission. Prior to the operation of added capacity, or a new vessel with capacity in excess of coverage theretofore on file, the vessel common carrier shall cause to be filed evidence of additional coverage sufficient to comply with the minimum limits heretofore set forth.

(10) The affidavit referred to in Paragraph (9) shall be on paper 8½ by 11 inches in size, and shall be substantially in the form as follows:

[SEE NEXT PAGE FOR SAMPLE FORMAT OF AFFIDAVIT.]

Approved and dated at San Francisco, California, this 6th day of September, 1984.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By JOSEPH BODOVITZ
Executive Director

AFFIDAVIT OF VESSEL COMMON CARRIERS

Legal Name of Vessel Common Carrier _____

Check () individual, () partnership*, () corporation,
() other _____

* List names of all partners.

Mailing Address _____

To Public Utilities Commission of
the State of California
License Section, Transportation Division
State Building
San Francisco, CA 94102

This is to certify that the above-named carrier operates the following:

List Each Type of Vessel in Commercial Operation	Passenger Seating Capacity
_____	_____
_____	_____
_____	_____

I hereby certify under penalty of perjury that the foregoing is true and correct.

Authorized Representative _____

Title _____

Date Signed _____

Place Signed _____

APPENDIX B

General Order 158-A
(Supersedes General Order 158)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES AND REGULATIONS GOVERNING THE OPERATIONS OF PASSENGER STAGE
CORPORATIONS AND THE CONSTRUCTION AND FILING OF TARIFFS AND
TIMETABLES

Adopted December 20, 1995. Effective January 1, 1996.
Resolution TL-18716

PASSENGER STAGE CORPORATIONS

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PART 1--GENERAL PROVISIONS

- 1.01--SHORT TITLE. These rules and regulations shall be known as "General Order Series 158".
- 1.02--REFERENCES TO STATUTES AND RULES AND REGULATIONS. For convenience, reference to some of the principal pertinent provisions of the Public Utilities Code are Sections 1031-1040 "Passenger Stage Corporations" and Sections 486-496 "Tariff Schedules". Whenever reference is made to any portion of any law, such reference shall apply to all amendments and additions heretofore or hereafter made; and whenever reference is made to any portion of these rules and regulations, such reference shall apply to all amendments and additions hereafter made.
- 1.03--CONSTRUCTION OF SINGULAR AND PLURAL. The singular number includes the plural, and the plural the singular.
- 1.04--"SHALL" and "MAY". "Shall" is mandatory and "may" is permissive.
- 1.05--LIABILITY INSURANCE REQUIREMENTS. Every passenger stage corporation shall comply with all provisions of General Order 101 Series.
- 1.06--APPLICABILITY OF VEHICLE CODE. Every passenger stage corporation and their drivers shall comply with the provisions of the California Vehicle Code.
- 1.07--COMMISSION MAY ORDER DEVIATIONS. The Commission may authorize deviations from these rules and regulations or prescribe or require the observance of additional or different rules by special order.
- 1.08--AVAILABILITY OF GENERAL ORDER SERIES 158, VEHICLE CODE AND TITLE 13. Every passenger stage corporation shall have a current copy of General Order series 158 and a current copy of the California Vehicle Code and the Motor Carrier Safety Sections (Subchapter 4, Article 12 and 14, and Subchapter 6.5, Articles 1, 3, 6, and 8) of Title 13 of the California Code of Regulations in a place available to all drivers.

PART 2--DEFINITIONS

- 2.01--"COMMISSION". "Commission" means the Public Utilities Commission of the State of California.
- 2.02--"PASSENGER STAGE CORPORATION", "PSC", "CARRIER". The definition of "passenger stage corporation" shall be that set forth in Section 226 of the Public Utilities Code. The initials "PSC" mean passenger stage corporation. Within this General Order the word "carrier" means passenger stage corporation carrier unless specific reference includes charter-party carriers.
- 2.03--"VEHICLE". Within this General Order the word "vehicle" means a motor vehicle operated in passenger stage service.

- 2.04--"TARIFF", "TIMETABLE". The definition of "tariff" and "timetable" means an original publication, a supplement, amendment, or revised page thereto, or a reissue thereof.
- 2.05--"SCHEDULED SERVICE". Within this General Order the term "scheduled service" means service to be provided to specific places at specific times.
- 2.06--"DRIVER-APPLICANT". A driver-applicant is any applicant for passenger stage operating authority who will also be a driver of any vehicle authorized to be operated under the authority.

PART 3--GENERAL REQUIREMENTS AND RESTRICTIONS

- 3.01--OPERATIONS AT AIRPORTS. No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority.
- 3.02--TAXI TRANSPORTATION SERVICE NOT AUTHORIZED. A carrier is not authorized to engage in taxicab transportation service licensed and regulated by a city or county. Carriers are prohibited from using vehicles which have top lights and/or taxi meters.
- 3.03--SUB-CARRIERS. A carrier shall not use the services of another carrier (sub-carrier) that provides the vehicle and the driver, unless the second carrier holds Commission authority as a charter-party carrier. The agreement for the utilization of the second carrier's vehicle(s) and driver(s) by the operating carrier shall be evidenced by a written document, and shall contain the carrier's names, TCP numbers, and the services to be provided.
- 3.04--FICTITIOUS NAMES. A carrier shall not use any trade, business, or fictitious names, which are not on file with the Commission.
- 3.05--ADVERTISEMENTS SHALL INCLUDE PSC NUMBER. Carriers shall state the number of their certificate in every written or oral advertisement, broadcast, or other holding out to the public for services. The number shall be preceded by the letters "PSC".

PART 4--VEHICLES

- 4.01--EQUIPMENT STATEMENT TO BE CURRENT. Every carrier shall maintain, on file with the Commission, an equipment list of all vehicles (owned or leased) in use under each certificate. The information for each vehicle shall include the manufacturer, model year, vehicle identification number (V.I.N.), seating capacity (including driver), description of body type or model designation, whether the vehicle is leased or owned, handicap accessible

status, and its license plate number. Additions and deletions to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.

- 4.02--SAFETY REQUIREMENT BEFORE OPERATION. All vehicles operated under each certificate shall comply with the requirements of the California Highway Patrol and the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations. Every carrier must inspect all vehicles and maintain proper documentation of such inspections.
- 4.03--NAME OF CARRIER AND VEHICLE NUMBER TO BE DISPLAYED ON VEHICLE. A vehicle shall not be operated in service unless there is painted or displayed, on each side of the vehicle, the name or trade name of the carrier. Every carrier shall assign an identifying number to each vehicle. Such number shall be painted on or otherwise permanently attached to the rear and each side of the exterior of each vehicle. The carrier's name and vehicle numbers shall be sufficiently large and color contrasted as to be readable, during daylight hours, at a distance of 50 feet. However, the provisions of this section shall not apply to vehicles temporarily leased by carriers for a period of less than 30 days.
- 4.04--PSC NUMBER TO BE DISPLAYED ON VEHICLE. The number assigned by the Commission to the carrier's authority shall be shown in full on all vehicles, including the prefix "PSC", and the authority number. The letter and numeral symbol size and placement shall be as follows:
- The identification symbol shall be in sharp color contrast to the background and such size and shape and so located as to be readily legible during daylight hours at a distance of 50 feet. The symbols shall be displayed on each side of the vehicle.
- The identifying symbol displayed by a carrier subject to the jurisdiction of the Interstate Commerce Commission (ICC) shall serve in lieu of the above requirements, provided such ICC operating authority is registered with this Commission in accordance with the Interstate and Foreign Highway Carrier's Registration Act (commencing with PU Code Section 3901).
- 4.05--DAMAGE TO IDENTIFICATION SYMBOLS. It shall be the carrier's responsibility to make immediate restoration or replacement of any damage caused to the identification names and numbers on vehicles.
- 4.06--ILLEGAL DISPLAY OF P.U.C. IDENTIFICATION. Immediately upon revocation or termination of any certificate the PSC number for the certificate shall be removed from all vehicles. If new operating authority is later granted, it shall be the responsibility of the carrier to make the appropriate identification.

- 4.07--UNAUTHORIZED USE OF OPERATING AUTHORITY. A carrier shall not knowingly permit its operating authority or its PSC number(s) to be used by others.
- 4.08--SALE OR TRANSFER OF VEHICLE. It shall be the carrier's responsibility to remove all certificate numbers and identification symbols when a vehicle is sold or transferred.

PART 5--DRIVERS

- 5.01--DRIVER TO BE LICENSED. Every driver of a vehicle shall be licensed as required under the California Vehicle Code and shall comply with the driver provisions of the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations.
- 5.02--DRIVER RECORD. Every carrier shall enroll in the "Pull Notice Program" of the Department of Motor Vehicles as defined in Vehicle Code Section 1808.1. A vehicle shall not be operated by any driver who is presumed to be a negligent operator under Vehicle Code Section 12810.5.
- 5.03--DRIVER STATUS. Every driver of a vehicle shall be the certificate holder or under the complete supervision, direction and control of the operating carrier and shall be:
- A. An employee of the certificate holder; or,
 - B. An employee of a sub-carrier; or,
 - C. An independent owner-driver who holds charter-party carrier authority and is operating as a sub-carrier.
- 5.04--ALCOHOLIC BEVERAGES AND DRUGS: USE BY DRIVER FORBIDDEN. All drivers shall comply with the rules in the Code of Federal Regulations Title 49, Parts 392.4 and 392.5. This rule, in part, prohibits drivers from consuming or being under the influence of a drug or alcoholic beverage while on duty, and prohibits carriers from allowing drivers to consume or be under the influence of a drug or alcoholic beverage while on duty.

PART 6--RECORDS AND INSPECTIONS

- 6.01--RECORDS. Every carrier shall institute and maintain in its offices, a set of records on the services it performs. These records shall include tariffs, timetables, and the number of passengers transported. Every carrier shall also maintain copies of all lease and sub-carrier agreements, and shall maintain maintenance and safety records (including, but not limited to, the records required in Sections 4.01 and 4.02), driver records (including, but not limited to, the records required in Section 5.02), and consumer complaint records (including, but not limited to, the records required in Section 7.01). All records shall be maintained for a minimum period of three years.

6.02--INSPECTIONS. Commission staff shall have the right to enter any vehicle or facility to inspect a carrier's accounts, books, papers, and documents, or to ascertain if Commission rules and State laws are being complied with and observed. Every owner, operator, or driver of any vehicle shall afford the Commission staff all reasonable opportunity and facilities to make such an inspection.

PART 7--COMPLAINTS

7.01--CARRIER REQUIRED TO ANSWER COMPLAINTS. Every carrier shall respond within 15 days to any written complaint concerning transportation service provided or arranged by the carrier. A carrier shall, within 15 days, respond to Commission staff inquiries regarding complaints and provide copies of any requested correspondence and records.

PART 8--TARIFFS AND TIMETABLES

8.01--APPLICABILITY. All carriers shall file tariffs and all scheduled carriers shall file timetables in compliance with the Public Utilities Code, Commission directives, and the following rules. Commission staff may reject a tariff or timetable for noncompliance with the rules, any time before it becomes effective. A tariff or timetable currently in effect may be rejected or canceled for noncompliance on 30 days' notice.

8.02--PURPOSE. Tariffs and timetables are for the information and use of the general public. They shall be published in a manner that ensures they are readable and that their terms and conditions are easy to understand and apply.

8.03--FILING REQUIREMENTS. Three copies of each tariff and timetable shall be delivered to the Commission with a signed transmittal letter clearly explaining the purpose of the filing, the notice provisions followed, and the statutory authority for the filing. Where the filing affects an airport, an additional copy with attached mailing label, for each affected airport authority, shall be provided. Separate filings can be made for distinct services and/or service territories. A carrier may receive a receipt by filing an additional copy of the transmittal letter and a self-addressed stamped envelope. A copy of the transmittal letter will be dated by the Commission and returned to acknowledge receipt of a filing. The Commission may direct the reissue of any tariff and/or timetable.

8.04--POSTING. All carriers shall follow the posting rules set forth in General Order 122 series. In addition, all carriers serving an airport shall conspicuously display tariff and timetable information in each vehicle used in airport service, in each location where airport tickets are sold, and shall have copies available for public distribution. The required airport service information shall include, but not be limited to:

- a) All airport service fares, or if the carrier has more than 10 fares, at least 10 fares representative of the service performed.
- b) All other charges (e.g. baggage, waiting).
- c) Complete complaint procedures including reference to the Commission's regulatory role and passenger complaint line.

For purposes of this section, vehicles serving airports as part of through intercity service shall not be deemed carriers serving an airport and shall be exempt from the posting requirements contained herein.

8.05--CONTENT. Each tariff shall contain the complete terms and conditions under which the carrier will provide service, including:

- A. A title or cover page containing the legal name and Commission-issued PSC number(s) of the carrier, all trade names, a business address and telephone number, the territory or points to and from which the tariff applies (briefly stated), the date effective on the bottom right side of the page, and the authority under which the tariff is filed (e.g., decision number, order number).
- B. All fares, additional charges, and discount provisions.
- C. An attached timetable including specific route points and times for all scheduled services.
- D. A service definition, hours of service, and specified territory by name and postal ZIP code for nonscheduled services.
- E. Any service restrictions or limitations, including policies for: guarantee of service; ticket sale, use, refund, and exchange; and baggage provisions.
- F. If applicable, procedures for the handling of claims for loss or damage of express shipments consistent with General Order 139.
- G. A consumer complaint procedure that includes the address and telephone number of the Safety and Enforcement Division's Consumer Affairs Unit.

8.06--FORM. Tariffs and timetables shall be filed in book (pamphlet) or loose-leaf form. Tariffs shall be machine-printed on paper of good quality.

8.07--SIZE. Tariffs and timetables shall be filed on paper of good quality that is no larger than 8-1/2 inches by 11 inches and no smaller than 8 inches by 10-1/2 inches.

8.08--UNIFORM SYMBOLS. Uniform symbols shall be used to indicate changes in tariffs as follows:

- Letter (A), (a) or \blacklozenge to indicate increases.
- Letter (R), (r) or \blacklozenge to indicate reductions.
- Letter (C), (c) or \blacktriangle to indicate a change resulting in neither an increase nor a reduction.

The following symbols shall be used only for the purposes indicated:

- * to show new material added to the tariff.
- + to show "Applicable to intrastate traffic only."
- ⊙ to indicate "Applicable to interstate traffic only."
- to indicate reissued matter.

8.09--LOOSE-LEAF TARIFFS. Each page or supplement of a loose-leaf tariff shall show:

- A. The name, PSC number, address, and telephone number of the issuing carrier.
- B. The page number (e.g. "Original Page 4," "Third Revised Page 10," etc.).
- C. The date the page will become effective in the lower right corner.
- D. The authority under which the amendment is filed.
- E. Amendments shall be made by filing new pages. Amended pages shall be new pages or consecutively numbered revisions of previous pages (e.g. "First Revised Page 10 cancels Original Page 10"). A loose-leaf tariff may be canceled by supplement or by filing a new tariff.
- F. A one-inch margin on the left-hand side of each page.

8.10--AMENDMENTS TO BOOK TARIFFS. Book (pamphlet) tariffs shall be amended by filing supplements constructed generally in the same manner and arranged in the same order as the tariff being amended. Each supplement shall refer to the page, item, or index of the tariff or supplement it amends. Every supplement, excluding suspensions and cancelations, shall contain a cumulative index of changes in the tariff. No tariff shall have more than 2 supplements in effect at any one time. When a tariff with 2 supplements requires amendment, the entire tariff shall be reissued.

8.11--ADOPTION OF TARIFFS. When operative rights of a carrier are transferred from the operating control of one company to that of another, the succeeding carrier shall issue its own tariff canceling the tariff of the preceding company or issue an adoption notice accepting as its own the tariffs of the preceding company. The adoption notice shall state

the Commission order authorizing the transfer. The carrier shall also immediately inform, in writing, all agents or other carriers issuing tariffs in which it participates, of the change in ownership.

- 8.12--CHANGE OF NAME. When a carrier changes its legal or trade name, without the transfer of control, it shall, within 10 days, amend its tariff to show the new name of the carrier. The carrier shall also, within 10 days, inform in writing all agents or other carriers issuing tariffs in which it participates of the change in name. Said agents and carriers shall promptly amend the affected tariffs to reflect the change in name. The tariff amendments shall show the new name of the carrier and its former name, for example "ABC Limo (formerly XYZ Limo)."

PART 9--EXEMPTIONS

- 9.01--BY WRITTEN REQUEST. If, in a particular case, exemption from any of these rules and regulations is desired, a written request may be made to the Commission for such exemption. Such a request shall be accompanied by a full statement of the conditions existing and the reasons relied on to justify the exemption. It is to be understood that any exemption so granted shall be limited to the particular case covered by the request.

PART 10--CONTROLLED SUBSTANCE AND ALCOHOL TESTING CERTIFICATION PROGRAM

- 10.01--WHO MUST COMPLY. All passenger stage corporation applicants who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a mandatory controlled substance and alcohol testing certification program for those drivers as required by this General Order unless all such drivers are covered by the federal testing regulations. Passenger stage corporations who employ any driver who operates a vehicle with a seating capacity of 16 persons or more, including the driver, must comply with the federal regulations concerning controlled substance and alcohol testing for those drivers.
- 10.02--CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM REQUIRED. Every applicant who must comply with this General Order shall provide for a testing program as required in Parts 40 and 382 of Title 49 of the Code of Federal Regulations (CFR), except as modified herein.

For the purposes of this Commission's program vehicles with a seating capacity of 15 persons or less, including the driver, shall be considered commercial vehicles. This affects, for example, the determination of what are "safety sensitive functions" for purposes of this Commission's program.

A negative test for alcohol shall show a breath alcohol concentration of less than 0.02 percent and drivers must show a valid California driver's license at the time and place of testing.

Every such applicant must conduct pre-employment testing (Part 382.301), post accident testing (Part 382.303), random testing (Part 382.305), testing due to reasonable suspicion (Part 382.307), followup testing (Part 382.311), and return-to-duty testing (Part 382.309).

Each such applicant must provide educational materials (Part 382.601) that explain the requirements of Part 382 of Title 49 of the CFR and this General Order as well as the employer's policies and procedures with respect to meeting the testing requirements.

Such applicants must advise employees (Part 382.605) of the resources available to them to resolve problems associated with the misuse of alcohol and use of controlled substances.

Such applicants must ensure that supervisors undergo the appropriate training to determine whether reasonable suspicion exists to require a driver to undergo testing (Part 382.603).

Such applicants must use the "Federal Drug Testing Custody and Control Form" and the "DOT Breath Alcohol Testing Form" to identify employees who are being tested and to request specific kinds of tests (49 CFR Parts 40.23 and 40.59).

- 10.03--REQUIREMENTS FOR PRE-EMPLOYMENT TESTING. An earlier negative result for a driver shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing. (Any negative test result shall be accepted for one year as meeting any requirement for periodic testing if the driver has not tested positive subsequent to a negative result.)
- 10.04--TESTING COSTS. Applicants shall be responsible for being in compliance with the testing program and shall pay all costs of the testing program, except that an employer may require employees who test positive to pay the costs of rehabilitation and return-to-duty and followup testing.
- 10.05--CONFIDENTIALITY OF TESTS. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law. 49 CFR Parts 40.35, 40.81, 382.405 and 382.413 detail rules concerning disclosure and confidentiality of employee test records. The results of tests required under the Commission's testing program may be released under the same circumstances as those detailed in 49 CFR Parts 40 and 382. The Commission may require laboratories to make copies of test results available to it on request.

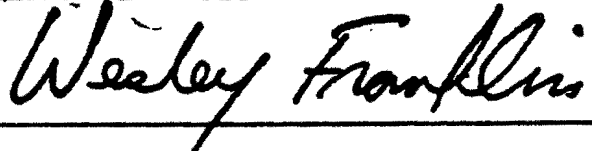
No evidence from a positive test shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

10.06--DRIVER-APPLICANT TEST RESULTS TO BE REPORTED TO THE COMMISSION. Test results for applicants who are also drivers must be reported directly to the Commission using the "Federal Drug Testing Custody and Control Form" and the "DOT Breath Alcohol Testing Form." Therefore, a driver-applicant applying for new operating authority must cause the employer's copy of its pre-employment controlled substance and alcohol test results to be sent directly to the Commission by the attending medical review officer and breath alcohol technician, respectively. A driver-applicant applying for renewal of operating authority must cause a copy of its most recent controlled substance and alcohol test results to be sent directly to the Commission by the attending medical review officer and breath alcohol technician, respectively.

Approved and dated December 20, 1995, at San Francisco, California.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

By Wesley M. Franklin
Executive Director



Wesley M. Franklin

DANIEL Wm. FESSLER

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

SECTION VI

IMPORTANT NOTICE

**TO APPLICANTS FOR PASSENGER CARRIER AUTHORITY
AND
EXISTING PASSENGER CARRIERS**

RE: CPUC DRUG & ALCOHOL TESTING REQUIREMENTS

Every Passenger Stage Corporation (PSC) and Charter-Party Carrier of Passengers (TCP) is required to participate in a mandatory controlled substance and alcohol testing certification program (hereinafter referred to as "program" or "testing program"). The California Public Utilities Commission (CPUC) will not issue or renew a TCP certificate or permit or authorize a PSC to commence operations until it certifies that it has such a program in effect and has complied with other program requirements. It is very important for applicants and carriers to understand the Commission's testing program requirements, not only to ensure the safety of the passengers and general public, but also because failure to comply with these requirements may mean the denial, suspension, or revocation of the applicant's/carrier's operating authority and/or the imposition of administrative, civil, or criminal penalties.

In order to help you understand our testing program requirements, the Commission staff will furnish the following to you as part of the application process:

1. **Form PL 706-J (CPUC Controlled Substances and Alcohol Testing Certification Program)** – this 3-page form includes Public Utilities (PU) Code Section 1032.1, which contains the basic testing requirements as established by the California Legislature. This form is used by applicants to provide the Commission staff with information regarding the applicant's testing program, and to certify that the applicant understands and will comply with the CPUC's program's requirements. It is included as part of the TCP "Application Packet" and is provided to PSC applicants during the application process.
2. A sample "**Alcohol and Substance Abuse Policy**" form which applicants may adopt as their own, or use as a guide in developing their own company policy regarding alcohol and substance abuse for their employees. It is mandatory that every carrier have such a written company policy.
3. **General Order (G.O.) 157-C** (applicable to TCP carriers) or **G.O. 158-A** (applicable to PSC carriers). In addition to other important requirements which these carriers must know, **Part 10 of these G.O.'s contains a summary of the CPUC's testing program requirements. Every carrier should read and understand these rules.**
4. **Part 382 of Title 49, Code of Federal Regulations (CFR)** – This contains the federal testing program requirements applicable to interstate passenger carriers, which the CPUC adopted with some minor differences. **This document contains important information which every carrier should read and understand**, including definitions of important terms such as "consortium", "driver", and "employer", the different types of testing required, certain prohibitions, consequences of drug use or alcohol misuse, supervisor training requirements.
5. **List of Consultants** – This is a list of companies and agencies which will help applicants and carriers establish an acceptable testing program and otherwise comply with federal and state testing requirements. Many of the consultants will also administer a carrier's required random testing program. Using one of these "pre-approved" companies will speed up the processing of an application, as they have already supplied the Commission with samples of the educational and training materials they use and they are familiar with the Commission's program requirements. Applicants/carriers who wish to implement their own program are not required to use a consultant if they have the knowledge and resources to ensure their compliance with the Commission's program without one, but will be required by the Commission staff to provide copies of the training and educational materials to be used to ensure that they are acceptable.

(continued on reverse)

Although the following material is not provided to new applicants/carriers, they do contain important requirements which will be mentioned elsewhere in this notice. These consist of:

- (a) **Resolution TL-18716**, which was issued by the Commission on December 20, 1995 and established the Commission's mandatory program requirements. This resolution contains a summary of the Commission's discussion, findings, and orders concerning the testing program it adopted.
- (b) **Resolution TL-18760**, issued on September 4, 1996 corrected some technical errors in Resolution TL-18716. The orders issued by the Commission in these resolutions are set forth in G.O.'s 157-C and 158-A, so copies of these resolutions will only be furnished on request.
- (c) **Part 40 of Title 49, Code of Federal Regulations (CFR)** – Entitled “Procedures for Transportation Workplace Drug Testing Programs”, this part contains the U.S.D.O.T. requirements applicable to motor carriers and their employees, agents, consortia, and laboratories. This part mainly contains the procedures for collecting, analyzing, and reporting the specimens furnished by drivers, but also includes some important definitions, including “Medical Review Officer” (MRO), and specifies the type of **drugs to be tested, i.e. marijuana, cocaine, opiates, amphetamines, and phencyclidine**. Section 40.39 states that **carriers shall use only laboratories that have been certified by the U.S. Department of Health and Human Services (DHHS)**. This part is not furnished by the PUC to carriers as it pertains mainly to the consortia and laboratories.

Summary of the Commission's Mandatory Testing Program Requirements

Effective January 1, 1996, the California Public Utilities Code (PU Code) was amended to add Section 1032.1 and to amend Section 5374 requiring all applicants for PSC and TCP operating authority to establish a mandatory controlled substance and alcohol testing certification program, substantially similar to the program already required by the federal government for passenger carriers operating in interstate and foreign commerce. **The main differences between the California rules and the federal rules are the California rules state that (1) a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent (rather than 0.04 percent), (2) the driver being tested is required to show a valid California driver's license at the time and place of testing, (3) an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, (4) pre-employment test results for an applicant who is also a driver shall be reported directly to the Commission, and (5) carriers must use custody and control forms that are substantially similar to, but distinct from , the federally authorized custody and control forms.** PU Code Section 1032.1, applicable to PSC carriers, is restated in the Commission's form PL 706-J, which is provided to all applicants for PSC and TCP carrier authority. PU Code Section 5374 makes Section 1032.1 also applicable to TCP carriers.

As a result of the above statutes, the CPUC issued its **Resolutions TL-18716 and TL-18760**, mentioned above and amended its G.O. series 157 and 158 to include its testing program requirements. The above statutes, resolutions, and orders require all PSC and TCP applicants (including TCP renewal applicants) and carriers whose drivers are not subject to federal testing program requirements to comply with the Commission's mandatory controlled substance and alcohol testing certification program. **Every applicant/carrier who proposes to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for the Commission's mandatory controlled substance and alcohol testing certification program for those drivers and should be familiar with the rules set forth in Part 10 of G.O. Series 157 and 158.** (Drivers who operate a vehicle having a seating capacity of 16 or more persons are subject only to the federal testing requirements).

You should be aware that **an application for operating authority or renewal of operating authority will be denied** if the applicant does not provide for the Commission's mandatory controlled substance and alcohol testing certification program, or if a driver-applicant's most recent test indicates the use of alcohol or controlled substances in violation of the Commission's program. Operating authority for a driver-applicant testing positive will not be granted or renewed until the driver-applicant shows that he/she has complied with the referral, evaluation and return-to-duty provisions of Part 382.605 of Title 49, CFR.

You should also be aware that **the Commission staff will perform random and for-cause inspections of applicants' and carriers' documents supporting compliance with the Commission's controlled substance and alcohol testing certification program.** In this regard, the Commission requires laboratories to make their documentation, including test results, available to it on request. If, as a result of a random or for-cause inspection of a carrier's documents, the Commission determines that the carrier is in violation of its program requirements, it may suspend the carrier's operating authority. **It will not reinstate the carrier's authority until the carrier has shown that it has come into compliance.** It may also take other action against the carrier, including civil or criminal prosecution.