

Decision 84 03 109

MAR 21 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Arik Sharabi dba California  
Mini-Bus,

Complainant,

vs.

Lorrie's Travel and Tours, Inc.,

Defendant.

Case 83-02-04  
(Filed February 25, 1983)

And Related Matters.

Application 83-03-25  
(Filed March 8, 1983)

Application 83-04-48  
(Filed April 22, 1983)

Application 83-07-42  
(Filed July 22, 1983)

Roni Rotholz and Dennis B. Natali, Attorneys  
at Law, for Arik Sharabi, applicant in  
A.83-03-25, complainant in C.83-02-04, and  
protestant in A.83-04-48.

Clapp & Custer, by James S. Clapp, Attorney  
at Law, for Lorrie's Travel & Tours, Inc.,  
applicant in A.83-04-48 and defendant  
in C.83-02-04.

Handler, Baker, Greene & Taylor, by Raymond A.  
Greene, Jr., and William Taylor, Attorneys  
at Law, for SFO Airporter, Inc., protestant in  
A.83-03-25 and A.83-04-48, and interested  
party in C.83-02-04.

Eulalio Frausto, Attorney at Law, for  
Francisco Solorio, applicant in A.83-04-48.

Alfred J. Arnaud, Attorney at Law, for  
Associated Limousine Operators of  
San Francisco, interested party in all matters.

Mary F. McKenzie, Attorney at Law, and  
Ralph E. Douglas, for the Commission staff.

FINAL OPINION

Summary of Decision

This decision allows Sharabi to permanently offer on-call service between the Airport and a portion of downtown San Francisco. Temporary authority was granted by our interim decision last year.

Lorrie is allowed to extend on-call service to outlying neighborhoods of San Francisco, but it is not authorized to institute a new scheduled service between downtown points and the Airport. It may, however, provide scheduled service to the Airport from outlying neighborhoods.

Solorio is authorized to provide on-call service from the Mission and Excelsior districts to the Airport, and the restriction on his existing operations (hours of service) is removed.

Sharabi's complaint against Lorrie is dismissed without prejudice at Sharabi's request.

PROCEDURAL HISTORY

The first three of the above-captioned proceedings were the subject of a prehearing conference held on May 27 and June 25, 1983, and Interim Decision (D.) 83-06-108, issued June 25, 1983.

Application (A.) 83-07-42, of Francisco J. Solorio, was subsequently consolidated for hearing by an Administrative Law Judge's (ALJ) Ruling of August 3, 1983. A public hearing was held on September 22, 23, and 26 in San Francisco before ALJ Alderson. These proceedings were submitted for decision about 30 days after the transcripts were filed, or December 8, 1983.

At the hearing on September 22, Arik Sharabi, dba California Mini-Bus (Sharabi), and Lorrie's Travel and Tours, Inc. (Lorrie) reached an accord whereby Sharabi reduced the scope of his requested on-call pickup territory. Lorrie withdrew its protest to Sharabi's application, and Sharabi requested dismissal of his Case (C.) 83-02-04. However, this accord did not lead SFO Airporter, Inc. to withdraw its opposition to either Sharabi's or Lorrie's application.

All three applications involve existing certificated carriers who want to provide additional common carrier service from points within the City and County of San Francisco to the San Francisco International Airport (Airport). Briefly described, their requests are as follows:

1. Sharabi (A.83-03-25) wants to expand his operations from providing scheduled service from six Geary Street hotels to offering on-call service from downtown San Francisco to the Airport.
2. Lorrie (A.83-04-48) wants to extend its on-call service territory to outer San Francisco neighborhoods, and modify its operating authority to provide it the option of establishing scheduled service. Presently all its pickup service in San Francisco for Airport-bound passengers must be on an on-call basis.
3. Solorio (A.83-07-42) now operates on-call service from San Jose and Santa Clara to the Airport, but he wants authority for on-call service between the Mission and Excelsior neighborhoods and the Airport. Also, he wants an existing restriction on his pickup hours removed.

SFO Airporter, which provides only scheduled service from San Francisco to the Airport, opposes all three applications. SFO Airporter believes none of the applicants have demonstrated:

1. Public need for their proposed service.
2. Financial fitness to extend their operations or the pro forma economic feasibility of the services they propose.
3. That existing passenger stage service is inadequate under Public Utilities (PU) Code § 1032.

Lorrie opposes Solorio's application, but not Sharabi's.

BACKGROUND ON EXISTING PASSENGER STAGE SERVICE  
BETWEEN SAN FRANCISCO AND THE AIRPORT

Except for Sharabi's six scheduled service pickup points on Geary Street, the only carrier with operating authority for

scheduled service to the airport is SFO Airporter. For many years SFO Airporter operated its schedules only from its downtown terminal. Patrons had to get to SFO Airporter's terminal on their own. With the advent of on-call carriers such as Lorrie, and more recently Sharabi, Luxor, and Yellow Cab, passengers not wishing to take SFO Airporter from its terminal could call an on-call carrier for doorstep-to-Airport service.

During late 1982, however, SFO Airporter started changing its operations. Whereas in the past on-call carriers could compete for passenger pickups in San Francisco from the pool of potential passengers not wanting to travel to SFO Airporter's terminal, SFO Airporter started a scheduled "shuttle service," at no extra charge, from major downtown hotels to its main terminal. This change in SFO Airporter's operation enabled it literally to reach into a potential traffic market that was previously in the domain of the on-call carrier, that is, the traffic market comprised of hotel patrons who wanted doorstep pickup.

SFO Airporter's shuttle service, which Sharabi and Lorrie contend is not authorized under its certificate, added a new dimension to the competitive environment. It is an effort to attract passengers that would otherwise use another travel mode or an on-call carrier, according to SFO Airporter. Lorrie views the change in SFO Airporter's operation as necessitating that Lorrie also have the option to provide scheduled service.

Having on-call and scheduled service carriers operating in close proximity or at the same pickup points (e.g. major hotels) inherently creates some inter-carrier friction and some nightmarish enforcement dilemmas. For example, what if passengers waiting for an on-call carrier, who have made a telephone reservation, see a scheduled carrier pull up; what is to prevent such passengers, seeing an opportunity for an earlier departure, from taking the scheduled carrier and leaving the on-call carrier, when it arrives, having made

a trip for nothing? Also, the on-call carrier, presumably in response to a call, could arrive minutes before a scheduled carrier, taking passengers who were waiting for the scheduled carrier but who decide to ride with the carrier already there. Is the on-call carrier only to transport those who request a ride by telephoning for a reservation? Even if there were such a requirement it would be extremely difficult to enforce. Finally, what if more than one scheduled carrier serves a hotel and the carriers have identical schedules? To some extent these problems at hotel pickup points are mitigated by the practices of hotel bellmen or concierges making on-call reservations, selling tickets, and accepting payment on behalf of carriers for a commission. According to all carriers serving hotels, such hotel personnel have a lot to do with which carrier gets patronage, and carriers believe the hotel personnel are, as a rule, more motivated by the amount of commission paid than the overall quality of service to the hotel guest and prospective passenger.

It is the tourist and/or traveling businessperson patron at downtown hotels who makes up the "cream" of the overall traffic to the Airport, for the major hotels are clustered relatively close together and the number of such potential passengers is high. In contrast, there is not such keen interest in the resident San Franciscan's patronage. SFO Airporter does not provide scheduled shuttle service or on-call service to more outlying residential points, and such patrons, if they do not choose to travel downtown to the terminal, are left to other travel modes, including on-call carriers.

The applicants will all assess a higher fare for on-call service from points within San Francisco to the Airport than SFO Airporter charges for its scheduled service. Commission staff prepared a comprehensive report on the transportation services between San Francisco and the Airport (Exhibit 10). This report:

ows, among other facts, that of the over 21 million passengers a year using the Airport, the traffic between San Francisco and the Airport is about 8.8 million persons. About 1.5 million of these are carried by the currently certificated passenger stage carriers. The 7.3 million remaining is the potential market and the target of these applications.

LORRIE (A. 83-04-48)

Lorrie originally requested to redraw its existing two service territory boundaries and add a third territory comprised of the Mission, Potrero, Ingleside, and Glen Park neighborhoods. Also, it requested the authority to establish "service routes" within the downtown territory. At the hearing Lorrie indicated it did not wish to have the boundaries of its existing two territories adjusted, and that it would be content with the overall service territory boundaries as authorized by our Interim D.83-06-108. Lorrie's "service routes" request, described in its application, is really a request for the option to provide scheduled service at those points and along those routes which Lorrie determines may be profitable.

Option to Provide Scheduled  
Service from Downtown

We are denying Lorrie's request to have the option of providing scheduled service in its downtown Territory One, but we will allow it that option with respect to its remaining territories in outlying areas of San Francisco. Our reason for not approving the scheduled service option for Lorrie's downtown territory is that Lorrie has not named specific pickup points. Without this information we cannot determine whether additional scheduled service from the downtown area would be in the public interest. Therefore, this part of Lorrie's application will be denied without prejudice.

Scheduled Service from Other Territories

Lorrie's witness, Ruiz, testified that while Lorrie would first institute scheduled service downtown, if this Commission granted it the option, it was studying the feasibility of developing and marketing scheduled routes in other territories (e.g. the 19th Avenue Corridor in Lorrie's Territory Two). The advent of scheduled service in outlying portions of San Francisco can be of benefit to the public; it would be another option and convenience available for San Francisco's residents, as no carriers offer scheduled service with pickup points in these areas. Thus, we will amend Lorrie's certificate to allow it the option of providing scheduled service from all its operating territories except from within its Territory One (downtown).

Extending On-Call Service into  
Lorrie's Territory Three

In interim D.83-06-108, we granted Lorrie temporary operating authority to establish its Territory Three, which is comprised of the Mission, Potrero, Ingleside, and Glen Park neighborhoods. This was done because no other existing carrier offered on-call pickup service in these neighborhoods. Lorrie offered no evidence on public need for such on-call service at the hearing; the staff, however, presented evidence showing that the potential traffic market to the Airport from throughout San Francisco has not been fully tapped by passenger stage corporations. But for staff having developed evidence on public need, we would have no choice but to deny this portion of Lorrie's request. We will allow Lorrie to continue serving Territory Three with either on-call or scheduled service.

While supporting Lorrie's extension of service to its new Territory Three, staff is concerned about Lorrie's proposed "limited stop," on-call service, which would have a higher charge. Its concern is that there would be a long-haul short-haul violation of PU Code §§ 453, 460, and 461.5. To ameliorate such a possibility staff proposes that Lorrie be ordered to always use separate vehicles for each category of service. Staff's proposal of always requiring separate vehicles for the separate classes of service is logical but it can add operating expense and complexity. On balance, we think a better approach is to authorize Lorrie to mix classes of service in a vehicle (scheduled service passengers, economy on-call door-side service passengers, and limited-stop on-call service passengers), provided that all passengers are charged the class of fare for the lowest class of service rendered to any passenger on that trip. This lets Lorrie decide whether it is worthwhile and feasible to operate separate vehicles for the different classes of service; it also ensures that all passengers on a given trip are charged the same fare for their transportation. Lorrie is, of course, required to continue actively to offer the economy on-call door-side service.

#### Lorrie's Ability and Fitness

Lorrie demonstrated it has the operational and financial ability to extend its passenger stage operations. Despite financial ups and downs, Lorrie has demonstrated that it has the resources to serve new traffic markets.

The question of Lorrie's fitness is more problematical. In our Interim D.83-06-108 we found that Lorrie was charging fares under a tariff which was rejected by our Transportation Division. Testimony shows that Lorrie continued to apply the excursion fares in its rejected tariff periodically until being ordered to cease by our interim decision. Lorrie excuses itself by asserting that it disagreed with our staff. If a proposed tariff is rejected it is unlawful for a common carrier to apply it.



Although Sharabi has chosen not to persist with his complaint against Lorrie on this point, we admonish Lorrie that it must operate, as must other carriers, within the confines of applicable statutes and rules and regulations of this Commission. The penalties for violations, even aside from the revocation of operating authority, can be harsh (See PU Code § 2107-2108).

At the hearing staff counsel stated that Lorrie, and other carriers involved in this proceeding, have complied with our rules and regulations after our interim decision on these proceedings was issued on June 29, 1983. While we will find Lorrie fit to continue its operations and to extend them, we warn Lorrie that we will not tolerate a disregard of our applicable General Orders governing passenger stage operations.

PU Code § 1032

SFO Airporter contends that Lorrie's application should be denied because there was no showing the service of existing carriers, particularly that of SFO Airporter, is inadequate. PU Code § 1032 would have direct applicability to Lorrie's proposed scheduled service in the downtown territory as Lorrie's scheduled service could directly parallel SFO Airporter's. But since we are denying Lorrie that authority in the downtown area where SFO Airporter operates scheduled pickup service, the effect of PU Code § 1032 is moot as to that portion of Lorrie's request. That leaves in question the relevance of PU Code § 1032 to Lorrie's proposed option for scheduled service in areas other than downtown, and its proposed extension of its on-call service to Territory Three.

The record shows that SFO Airporter does not operate scheduled service in Lorrie's existing Territory Two and proposed Territory Three, although under its certificate SFO Airporter could initiate such operations. Since no other carrier conducts scheduled service from points within these areas of San Francisco, we conclude PU Code § 1032 is inapplicable in considering whether to allow Lorrie the option of scheduled service in Territories Two and Three.

Although apparently more concerned with seeing that Lorrie does not offer scheduled service downtown in close proximity to its own scheduled service pickup points, SFO Airporter opposes Lorrie permanently extending on-call service into Territory Three. While SFO Airporter's certificate is broad enough to allow it to conduct on-call service in Lorrie's proposed Territory Three, it has not done so. SFO Airporter contends that Lorrie's proposed additional on-call service in outlying Territory Three could divert persons from SFO Airporter's downtown scheduled service, and, as such, PU Code § 1032 is applicable. We disagree. While on-call and scheduled service may to some degree compete for traffic from the same geographic region, the inherent distinctions in the nature and conduct of the services are significant enough that they are dissimilar, and PU Code § 1032 is inapplicable (See Greyhound Lines vs PUC (1968) 68 C.2d 406).

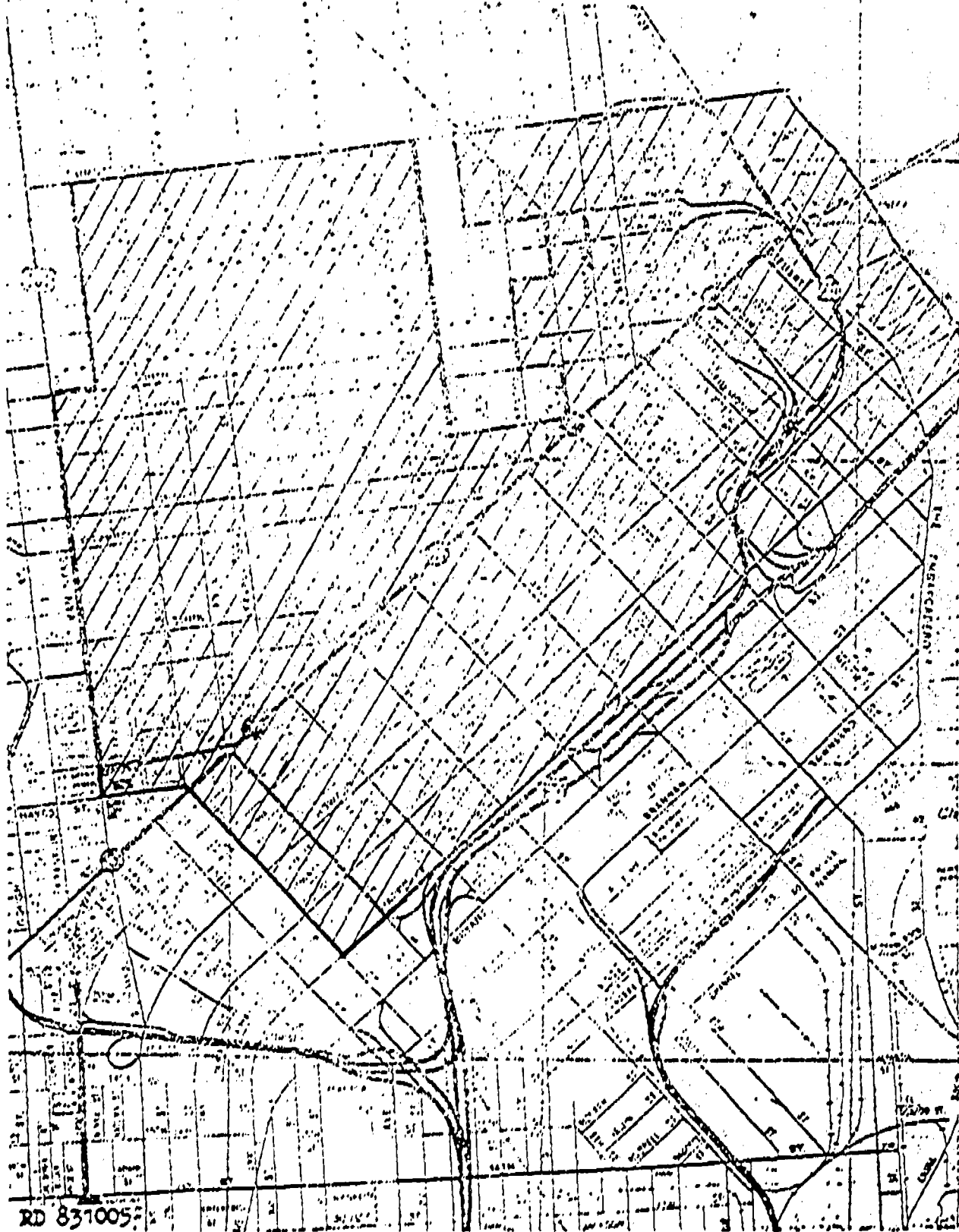
Finally, the issue of PU Code § 1032's applicability between Lorrie and Solorio does not arise because, while their proposed on-call service territories partially overlap, both are new applicants, notwithstanding that Lorrie was granted temporary operating authority. The question of granting either carrier permanent on-call operating authority, after a hearing, is now before us in these consolidated proceedings.

SHARABI (A.83-02-25)

Sharabi modified his requested on-call service territory at the hearing by reducing its scope. Following is a map delineating the on-call pickup territory Sharabi requests:

DOWNTOWN  
SAN FRANCISCO

ARIK SHARABI  
Requested Service Area as  
outlined at Hearing 9-22-83



RD 831005

We granted Sharabi temporary on-call operating authority for a portion of the downtown area, but restricted his operations so he could not pick up near SFO Airporter's terminal, or in the heart of the downtown-Fisherman's Wharf hotel area.

Only SFO Airporter opposes granting Sharabi the requested on-call pickup territory. Although we know Sharabi's on-call service will compete to some degree with SFO Airporter's scheduled service, we do not find any evidence of the degree of passenger diversion SFO Airporter foresees, given a worst case scenario from SFO Airporter's perspective. Of all the carriers that would be competing for downtown patronage, Sharabi is the smallest. Conducting on-call service can enable Sharabi to make more efficient use of his equipment and resources, potentially helping to ensure the viability of his existing, relatively limited, scheduled service. We cannot find that Sharabi's on-call service will pose any material threat to SFO Airporter's viability.

PU Code § 1032 is not directly applicable between Sharabi and SFO Airporter, for SFO Airporter provides only scheduled service; Sharabi's proposed on-call service, while it may compete to a limited degree, is materially different.

Our staff thinks there is enough potential traffic from San Francisco to the Airport to warrant allowing Sharabi to conduct on-call service. It believes the added increment of competition that Sharabi's on-call service may add will not, in itself, necessarily divert traffic; rather, staff thinks yet another carrier-option for the public to choose from is in the public interest, and that certificating another on-call carrier may result in increased traffic to the airport for certificated carriers.

In addition to staff's traffic market analysis, Exhibit 10, supporting Sharabi's request, Sharabi presented as witnesses two downtown hotel employees. Both testified they thought more on-call service would benefit the public, particularly in seasons or times of

peak demand. We conclude there is a public demand for Sharabi's proposed on-call service.

Sharabi is fit to extend his operations as proposed. Our staff, in investigating Sharabi's existing operations for compliance with applicable laws and regulations, found no violations.

Staff's brief states that it does not believe Sharabi has met his burden of proof showing that the new on-call service will be viable, or that Sharabi has the financial resources to conduct the service. However, Sharabi presented Exhibit 11, which shows that his father-in-law will provide a line of credit up to \$150,000 for the new venture. Given that assurance, along with the fact that Sharabi has been conducting scheduled service, and will use many of his same resources to handle the demand generated by his new on-call service, we think Sharabi has demonstrated his financial fitness. His showing could, however, have been more organized to succinctly address the point. We are willing to view Sharabi's showing in a more positive light than our staff, which is concerned about the long-term viability of his new on-call service, because we think the proposed on-call service will be a useful adjunct with other on-call services, and if in the test of the marketplace his service does not survive, there will still be on-call transportation options for the traveling public.

In conclusion, we will certificate Sharabi's on-call service, as amended at the hearing, and remove the restriction on his vehicle fleet which we imposed by our earlier interim decision.

DOES SFO AIRPORTER HAVE AUTHORITY TO CONDUCT  
THE HOTELS-TERMINAL "SHUTTLE SERVICE"?

Both Sharabi and Lorrie contend SFO Airporter needed this Commission's permission to start and conduct its hotel shuttle service. At the hearing staff counsel said staff was asking SFO Airporter to file a timetable for shuttle stops with this Commission.

SFO Airporter's witness testified that it, in good faith, did not think it had to file timetables for the hotel stops because the shuttle service was merely a van-feeder, connecting at the main terminal and primary departure point. We do not find bad faith on the part of SFO Airporter.

We conclude SFO Airporter's certificate is broad enough that it can have scheduled pickup points anywhere in San Francisco; it is certificated to provide passenger stage service between the entire City and County of San Francisco and the Airport, and while for many years its scheduled terminus in San Francisco was only its downtown terminal, nothing precludes its establishing other scheduled points.

Staff is correct that SFO Airporter must keep current timetables for all its pickup points on file. SFO Airporter's general manager testified that filing timetables would not be a hardship. While General Order 98-A ordinarily exempts "urban" carriers from filing timetables, we think it can prove useful to our staff if SFO Airporter files timetables, as there seem to be chronic allegations among carriers operating to the Airport about violations of certificates, tariffs, schedules, and general unfair business practices. Having SFO Airporter file timetables will enable our staff to stay abreast of what operations that carrier is conducting.

SOLORIO (A.83-07-42)

Solorio, doing business as Francisco's Adventures, now holds a charter-party permit. In addition, he holds a passenger stage corporation certificate to operate on-call service from San Jose and Santa Clara to the Airport, seven days a week between 9:00 p.m. and 5:00 a.m. He wants the restriction on his hours of operation removed, and wants to provide on-call service from the Mission and Excelsior neighborhoods of San Francisco to the Airport.

He now does most of the driving himself, operating a 1983 van which he owns and taking reservation calls at home. If his service becomes a 24-hour operation and he adds the new pickup territory in San Francisco, he plans to buy another van and will rely on his wife to take reservation calls.

He proposes to charge \$8 per person, with a minimum of three passengers; this means if only one passenger wanted service he would pay \$24, and if there were two they would each pay \$12.

Staff believes Solorio has demonstrated all the elements of public convenience and necessity, and that we should grant his application. SFO Airporter and Lorrie disagree with staff.

#### Fitness and Ability

We conclude that Solorio is fit and able to conduct the expanded operations he proposes, particularly in view of his having contracted with Development Associates, Inc.'s Minority Business Development Center (MBDC) for ongoing assistance with the accounting and business details of his business. We think such expert assistance will prove invaluable, particularly when the time comes for Solorio to justify a fare increase before the Commission. Exhibit 13 is the evaluation of the economic feasibility of Solorio's proposal prepared by MBDC. While MBDC's specialist, Sawit, has not evaluated common carriage economic feasibility before, he addressed the underlying considerations that are essential to economic planning and developed a reasonable projection of profitability. Without the assistance of MBDC, which is subsidized by the United States Department of Commerce Minority Business Development Agency, we would have difficulty concluding that Solorio could cope with all the economic planning and regulatory requirements attendant with expanding his service.

Solorio's entrepreneurial enthusiasm and determination impresses us. He has demonstrated a willingness to both work hard and to provide good service to the traveling public.

Need for the Service

There was no opposition to removing the restriction on the hours of Solorio's present operation. However, Lorrie and SFO Airporter challenge the need for Solorio's proposed new pickup territory in San Francisco.

Solorio intends to market his on-call service primarily to reach and serve Spanish-speaking travelers, indicating the language barrier poses especially difficult problems for such people when traveling. He would, however, provide service to anyone, and not just the Spanish-speaking. Solorio testified that there is a need for his service in the Mission and Excelsior neighborhoods, and in corroboration presented a petition signed by about 250 residents in the neighborhoods, and letters to the Commission written in June 1983 from Assemblyman Art Agnos and Supervisor Carol Ruth Silver. Both letters point out that an on-call service with bilingual drivers would benefit both residents in the area and non-English-speaking travelers from Latin America. SFO Airporter strenuously objected to the receipt into evidence of the petition and letters because they constituted hearsay evidence. We think our ALJ was correct in following our policy of allowing such corroborative evidence into the record (see Mt. Lassen Motor Transport, 5 CPUC 2d 647). The staff's witness testified that Solorio's application could be granted because, from the standpoint of potential traffic market, there is still a need for more passenger stage service to the Airport as an alternative to other travel modes. Based on Solorio's showing and that of staff, we conclude Solorio's proposed service is needed.

SFO Airporter does not provide on-call service from the neighborhoods Solorio will serve, and the availability of Solorio's service as a convenience and different travel mode for residents going downtown to SFO Airporter's terminal is in the public interest. The on-call service proposed is dissimilar, in kind and territory from SFO Airporter's scheduled service, and PU Code § 1032 is inapplicable between Solorio and SFO Airporter.



Of the protestants, only Lorrie now has a tariff on file for on-call service from the Mission and Excelsior neighborhoods, as a result of temporary operating authority granted by our interim decision in these proceedings. However, the temporary operating authority was granted subject to hearings in these proceedings; so, for purposes of PU Code § 1032, Lorrie and Solorio are new applicants with respect to the pickup territory Solorio requests. Additionally, the evidence shows that Lorrie has thus far concentrated its marketing efforts in other territories and that there had not been a concerted effort to develop new on-call patronage from these neighborhoods to the Airport. We conclude PU Code § 1032 is inapplicable as between Solorio and Lorrie, and Solorio has demonstrated a need for his proposed service.

COMPLIANCE WITH REGULATIONS AND PRIOR ORDERS

As a postscript to its brief, staff notes that Sharabi and Lorrie did not, after hearings ended, file certificates of renewed public liability insurance before earlier certificates of insurance lapsed. While coverage did not lapse, staff wants both carriers admonished for being inattentive to the requirement of GO 101-C about always keeping a valid certificate of insurance on file with this Commission. We so admonish both carriers. Such indiscretions are grave, because only by prompt compliance by carriers can our staff, given the large number of carriers, enforce our requirements. Monitoring to ensure carriers are adequately insured is a critical task for us and our staff, as it directly protects the public.

Also, we are aware of correspondence sent by our staff to Lorrie on December 27, 1983 regarding a possible tariff violation (e.g. offering a lower fare from certain points). If staff thinks the allegations are well grounded, and there is a tariff violation, we expect it to come before us expeditiously with a recommendation on enforcement action. Our earlier D.83-06-108 clearly, we think, addressed and resolved the tariff and rate requirements applicable

to Lorrie. We expect compliance, and expect our staff to monitor to ensure compliance and to recommend enforcement action when there is noncompliance. If Lorrie, or any other carrier, disregards our orders to suit operational desires, it will face the prospect of grave penalties.

Findings of Fact

1. Sharabi, under a stipulation reached with Lorrie, has withdrawn C.83-02-04.
2. Lorrie has not clearly and separately specified its proposed downtown pickup points for scheduled service within its Territory One.
3. Lorrie presented no evidence on any public demand for its proposed downtown scheduled service.
4. There is no scheduled service to the Airport from parts of San Francisco outside of Lorrie's Territory One (downtown); the availability of such service in these territories would extend travel option and convenience to the public.
5. There is a public need for Lorrie's proposed on-call service in its Territory Three.
6. Lorrie has the ability to conduct its proposed on-call service in Territory Three, and to provide scheduled service outside of its Territory One.
7. No violation of PU Code §§ 453, 460, or 461.5 will result if all passengers in a Lorrie's vehicle are assessed the class of fare for the lowest-priced service provided to any passenger on that trip.
8. Sharabi has demonstrated a public need for his proposed on-call service, and has the fitness and financial ability to conduct the service.
9. Solorio has demonstrated a public need for his expanded on-call service, and he has the requisite experience, fitness, and financial ability to conduct the service.

10. It can be seen with certainty that there is no possibility that granting the applications in question will have a significant effect on the environment.

Conclusions of Law

1. PU Code § 1032 is directly applicable in these proceedings only between Lorrie, on the one hand, and SFO Airporter and Sharabi, on the other, with respect to Lorrie's request for downtown scheduled service.

2. The applications should be granted as set out in the following order, as public convenience and necessity have been demonstrated.

3. In order to allow services for the public to be instituted as soon as possible, the following order should be effective today.

FINAL ORDER

IT IS ORDERED that:

1. The passenger stage corporation certificate of Arik Sharabi (PSC-1169) is amended as set forth in the revised pages attached to this order as Appendix A, to:

- a. Conform scheduled service pickup points to those listed in RRD-181 (originally submitted to the Transportation Division);
- b. Remove the vehicle fleet size restriction imposed by D.83-06-108; and
- c. Allow on-call service from within the territory identified at the hearing on September 22, 1983.

2. The passenger stage corporation certificate of Lorrie's Travel and Tours, Inc. (PSC-1003) is amended as set forth in the revised pages attached to this order as Appendix B, to:

- a. Provide scheduled service from only Territories Two and Three; and
- b. Authorize permanent on-call service in Territory Three.

3. Lorrie is authorized to offer a limited-stop on-call service on the condition that all passengers on any vehicle are charged the class of fare of the lowest-priced service provided to any passenger on that trip.

4. The passenger stage corporation certificate of Francisco J. Solorio (PSC-906) is amended as set forth in the revised pages attached to this order as Appendix C, to:

- a. Remove the restriction on hours of operation, and
- b. Allow on-call service pickup from the Mission and Excelsior neighborhoods of San Francisco, as delineated in Appendix C.

5. Arik Sharabi, Lorrie's Travel and Tours, Inc., and Francisco J. Solorio shall each:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in each tariff and timetable when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

6. These certificates do not authorize the holders to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

7. Each applicant is authorized to begin operations on the date that the Executive Director mails a notice to that applicant

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that it has evidence of insurance for the extended scope and/or nature of operations on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

8. The portion of A.83-04-48, of Lorrie's Travel and Tours, Inc., requesting the option of scheduled service from Territory One is denied; however, other portions, as addressed above, are granted.

9. Case 83-02-04 is dismissed with prejudice at the request of the complainant, Arik Sharabi.

This order is effective today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

PRISCILLA C. CREW

WILLIAM T. BAGLEY

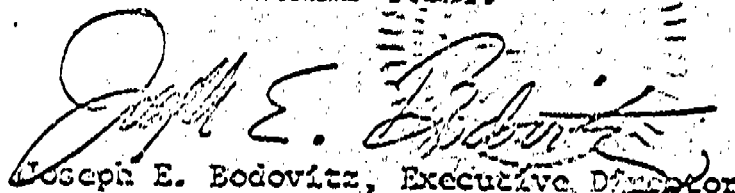
Commissioners

I abstain.

DONALD VIAL

, Commissioner

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director

Appendix PSC-1169  
(D.82-11-037)  
(D.83-06-108)

ARIK SHARABI

Second Revised Page 1  
Cancels  
First Revised Page 1

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Arik Sharabi, doing business as California Mini-Bus, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport persons, baggage, and express between San Francisco International Airport and \*a portion of the downtown area of San Francisco, over and along the most direct or reasonable route or routes subject, however, to the authority of this Commission to change or modify these points, or routes \*or territory at any time and subject to the following provisions:

- \*a. All scheduled passengers shall have origin or destination at the service points specified in Section 2. All on-call passengers shall have origin or destination at San Francisco International Airport or in the service area defined in Section 3.
- b. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- c. All service authorized shall be to provide service seven days a week from 6 a.m. to 11:30 p.m.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 109, Application 83-03-25.

Appendix PSC-1169  
(D.82-11-037)  
(D.83-06-108)

ARIK SHARABI

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SECTION 2. ROUTE DESCRIPTIONS.

\*Route 1

Via the most appropriate streets and highways to service points at the following San Francisco locations:

1. Stewart Hotel, 351 Geary Street
2. David's Hotel, 480 Geary Street
- \*3. California Hotel, 405 Taylor Street
4. El Cortez Hotel, 550 Geary Street
5. Geary Hotel, 610 Geary Street
- \*6. Clift Hotel, 495 Geary Street

Then via the most appropriate streets and highways to the San Francisco International Airport.

\*Route 2

On-call service shall be via the most appropriate streets and highways to pick-up points in the service area defined \*in Section 3.

Then via the most appropriate streets and highways to the San Francisco International Airport.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 169, Application 83-03-25.

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## SECTION 3. SERVICE AREA.

Beginning in the City and County of San Francisco at the intersection of Polk Street and Broadway, then along Polk Street, Pine Street, Van Ness Avenue, Hayes Street, Ninth Street, Harrison Street, the prolongation of Harrison Street, San Francisco Bay shoreline, the prolongation of Broadway, Broadway, Grant Avenue, Washington Street, Montgomery Street, Sacramento Street, Kearney Street, Bush Street, Montgomery Street, Post Street, Stockton Street, and Broadway to the point of beginning at Polk Street.

Issued by California Public Utilities Commission.

Decision 84 03 109, Application 83-03-25.



Appendix PSC-1003 LORRIE'S TRAVEL & TOURS, INC. Third Revised Page 2  
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(D.82-08-108) Second Revised Page 2

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

This certificate supersedes all authority previously granted to Lorrie's Travel & Tours, Inc. to operate as a passenger stage corporation.

Lorrie's Travel & Tours, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage between areas located in San Francisco and the San Francisco International Airport and the Oakland International Airport, over and along the described routes, subject to the following provisions. \*These authorizations are subject, however, to the authority of this Commission to change or modify the routes or territories at any time and subject to the following provisions:

- a. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demand of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- b. (Deleted)
- c. No passengers shall be transported except those having point of origin or destination at San Francisco International Airport or the Oakland International Airport.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 109, Application 83-04-48.

Appendix PSC-1003      LORRIE'S TRAVEL & TOURS, INC.      Fourth Revised Page 3  
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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

- d. All passengers transported to or from the Oakland International Airport shall have origin or destination in Territory 1.
- e. Operations from Territory 1 to San Francisco International Airport shall be conducted on an on-call basis. Operations from San Francisco International Airport shall be conducted on a scheduled basis or on-call basis or both.
- \*f. Operations between Territories 2 and 3 and San Francisco International Airport shall only be conducted on an on-call basis or scheduled basis or both.
- g. Operations between Territory 1 and Oakland International Airport shall only be conducted on an on-call basis.
- h. When route descriptions are given in one direction, they apply to operation in either direction inless otherwise indicated.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 1C9, Application 83-04-48.

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(D.82-06-048)LORRIE'S TRAVEL & TOURS, INC.  
(PSC-1003)Second Revised Page 4  
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## SECTION 2. TERRITORY DESCRIPTIONS.

1. Territory 1

Beginning in the City and County of San Francisco at the prolongation of Divisadero Street and the shoreline of San Francisco Bay; then along the prolongation of Divisadero Street, Divisadero Street, Castro Street, Eighteenth Street and its prolongations to the shoreline of San Francisco Bay, then northerly and westerly to the point of beginning.

2. Territory 2

Beginning in the City and County of San Francisco at the prolongation of Divisadero Street and the shoreline of San Francisco Bay; then along the prolongation of Divisadero Street, Divisadero Street, Castro Street, Twentieth Street, Eureka Street, Twenty-third Street, Grand View Avenue, Clipper Street, Diamond Heights Boulevard, Portola Drive, Junipero Serra Boulevard, San Francisco City Limit, shoreline of the Pacific Ocean and San Francisco Bay to the point of beginning.

\*3. Territory 3

Beginning in the City and County of San Francisco at the prolongation of 18th Street and the shoreline of San Francisco Bay; then by 18th Street, Castro Street, 20th Street, Eureka Street, 23rd Street, Grand View Avenue, Clipper Street, Diamond Heights Boulevard, Portola Drive, Junipero Serra Boulevard, San Francisco City Limit, Mission Street, Army Street and its prolongation to the shoreline of San Francisco Bay and the shoreline of San Francisco Bay to the point of beginning.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 169, Application 83-04-48.

Appendix PSC-1186  
(D.93649)

Francisco J. Solorio

First Revised Page 1  
Cancels  
Original Page 1SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS.

Francisco J. Solorio, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers, baggage, and express between San Francisco International Airport, on the one hand, and the Cities of Santa Clara and San Jose, \*and a portion of San Francisco as described in Section 3, on the other hand, subject to the following provisions and restrictions:

- \*a. No passengers shall be transported except those having point of origin or destination at San Francisco International Airport.
- \*b. Deleted.
- c. The transportation of baggage or express shall be on passenger-carrying vehicles only and shall be incidental to the transportation of passengers and limited to a weight of not more than 100 pounds per shipment.

Issued by California Public Utilities Commission.

\*Revised by Decision 84 03 109, Application 83-07-42.

Appendix PSC-1186

Francisco J. Solorio

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## SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - Commencing in the City of San Jose, then by State Route 82 to the City of Santa Clara, then by the most appropriate streets to Highway 101 to San Francisco International Airport and return.

Route 2 - Commencing in Territory 1 in the City and County of San Francisco, then by the most appropriate streets and Highway 101 (Bayshore Freeway) to San Francisco International Airport and return.

## SECTION 3. PICK-UP/DROP-OFF LOCATIONS.

Santa Clara

El Camino Real &amp; Scott Blvd.

San Jose

Almaden Blvd. &amp; Santa Clara St.

Territory 1 - Territory 1 is that portion of the City and County of San Francisco described as follows: Beginning at the shoreline of San Francisco Bay and the City and County limits of San Francisco, then along the City and County limits, Geneva Avenue, San Jose Avenue, Dolores Street, Market Street and its prolongation and the shoreline of San Francisco Bay to the point of beginning.

Issued by California Public Utilities Commission.

\*Added or revised by Decision 84 03 169, Application 83-07-42.