

Decision 89 03 039 MAR 2 2 1989

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
Mailed

In the Matter of the Application of )  
Nabeel Berbawy, dba Land Air Express, )  
for authority to operate as a )  
passenger stage carrier between the )  
Sacramento Metropolitan Airport )  
and the communities of Loomis, )  
Penryn, Rocklin, Newcastle, Auburn, )  
and Foresthill. )

MAR 2 2 1989

Application 88-12-003  
(Filed December 1, 1988)

OPINION

Nabeel Berbawy, an individual, doing business as Land Air Express, requests authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate a passenger stage corporation for the transportation of passengers and baggage on-call between Sacramento Metropolitan Airport (airport) and the communities of Loomis, Penryn, Rocklin, Bowman, Newcastle, Ophir, Auburn, Roseville, and Foresthill.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on December 8, 1988. In addition, notice of the filing of the application was served by applicant on all governmental agencies and regional transportation planning agencies within whose boundaries passengers will be loaded and unloaded. There have been no protests to the application filed with the Commission. Transportation Division staff recommends ex parte handling of the application.

Applicant proposes to operate on-call service on a 7-day a week, 24-hour a day basis. Only passengers originating at or destined to the airport will be carried. The stated purpose of the application is to transport those persons living in the Interstate 80 corridor (Roseville city limits to Foresthill) who want a reliable means of transportation to the airport which is cheaper than limousine service.

Applicant has a 1986 Club Wagon Ford van with an eight-passenger capacity which is insured in amounts that exceed the minimum required under the Commission's General Order 101-C.

A balance sheet dated October 19, 1988, attached to the application, shows cash of \$4,000, equipment of \$17,800, and net worth of \$21,800.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the additional service.
2. No protests to the application have been filed.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. This order should be effective immediately.
5. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and a certificate should be granted to the applicant.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Nabeel Berbawy, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-5450, to transport persons and their baggage.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in his tariffs and timetables 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.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. Prior to initiating service to any airport, applicant shall notify the airport authority involved. This certificate does not authorize the holder 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.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that he has evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.  
This order is effective today.

Dated MAR 22 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
Commissioners

Commissioner Patricia Eckert,  
present but not participating

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

  
Victor Weisser, Executive Director

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CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-5450

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Showing passenger stage operative rights, restrictions, limitations,  
exceptions, and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Issued under authority of Decision 89 03 039, dated  
MAR 22 1989, of the Public Utilities Commission of  
the State of California in Application 88-12-003.

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Issued by California Public Utilities Commission.

Decision 89-03-039, Application 88-12-003.

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

Nabeel Berbawy, an individual, by the certificate of public convenience and necessity granted by decision noted in the margin, is authorized to transport passengers and their baggage "on-call" between certain points in Placer County, described in Section II, and Sacramento Metropolitan Airport(SMA), over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having point of origin or destination at SMA.
- d. This certificate does not authorize the holder 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.

Issued by California Public Utilities Commission.

Decision 89-03 039, Application 88-12-003.

SECTION II. SERVICE AREA.

Placer County

Communities and places along Interstate 80 corridor between Bowman and Roseville and points intermediate thereto and Foresthill.

The communities in this service area includes Foresthill, Bowman, Auburn, Ophir, Newcastle, Penryn, Loomis, Rocklin, and Roseville.

SECTION III. ROUTE DESCRIPTION.

Route 1. Commencing from any point in the service area of Placer County to the Sacramento Metropolitan Airport.

Issued by California Public Utilities Commission.

Decision 39 03 039, Application 88-12-003.