

Decision 89 12 004 DEC 6 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
David Abadinsky and Albert Levin,)
dba Airport Flyer Bus and Express)
Company, to transfer to Airport)
Flyer International, L.P., a)
California limited partnership, the)
passenger stage corporation business)
currently operated by David)
Abadinsky and Albert Levin, and)
under authority of Decision No.)
87-04-023. (PSC-1440))

Application 89-02-025
(Filed February 14, 1989;
amended May 11, 1989)

OPINION

This is an application in which David Abadinsky (Abadinsky) and Albert Levin (Levin) who are partners doing business as Airport Flyer Bus and Express Company (AFE) seek authority to sell their operating authority and other assets to Airport Flyer International, L.P., a California limited partnership (LP).

The City of Los Angeles Department of Transportation (Los Angeles) protested the application. The Commission's Transportation Division (Staff) indicated concerns about the application. An amendment to the application was filed on May 11, 1989. Staff indicated that the amendment had satisfied its concerns. On August 18, 1989, Los Angeles notified the Commission that it had withdrawn its protest.

The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Abadinsky and Levin hold a certificate of public convenience and necessity to operate as a passenger stage corporation in Decision 87-04-023. They conduct operations under

the name of AFE. It transports passengers and baggage between Los Angeles International Airport and Burbank-Glendale-Pasadena Airport, on the one hand, and certain points in the San Fernando Valley and Simi Valley, on the other hand, on an on-call basis, 24 hours per day, seven days a week.

AFE conducts operations with 20 vans. As of December 31, 1988, it had assets of \$310,358. It had operating revenues of \$459,274 for the 12 months ending on December 31, 1988.

3. LP is a newly formed California limited partnership. Airport Flyer International Inc. (Corporation), a California corporation, is the general partner of LP. Abadinsky, Levin, and their wives own 100% of Corporation's capital stock. Abadinsky and Levin are the initial limited partners of LP.

4. Abadinsky and Levin want to change the form under which they are doing business for the perceived advantages of operating as a limited partnership. They propose to transfer all of the assets of AFE to LP in exchange for 100% of the capital and profits of LP.

5. LP has the ability, including financial ability, to acquire AFE and continue its operations.

6. The proposed transfer of assets and passenger stage operating rights from AFE to LP is not adverse to the public interest.

7. Because the ensuing order primarily affects the parties in this proceeding, it should be made effective on the date of signature.

Conclusion of Law

The application should be granted.

This authorization is not a finding of the value of the rights and properties over which control is being acquired.

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. On or before November 30, 1990, David Abadinsky and Albert Levin may sell and transfer the operating rights and property specified in the application to Airport Flyer International, L.P., a California limited partnership, in accordance with the terms set forth in the application.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue seller's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Airport Flyer International, L.P., authorizing it 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-5543, to transport persons and baggage.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that it 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 certificate of public convenience and necessity granted by Decision 87-04-023 is revoked on the effective date of the tariffs.

This order is effective today.

Dated DEC 6 1989, at San Francisco, California.

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

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

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

T/MEE/ebi

Appendix PSC-5543 Airport Flyer International, L.P. Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-5543

TO OPERATE AS

PASSENGER STAGE CORPORATION

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

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.

This certificate supersedes all operative authority previously
granted to David Abadinsky and Albert Levin or their
predecessors by D-87-04-023.

Issued under authority of Decision 89 12 004, dated

DEC 6 1989, of the Public Utilities Commission of the
State of California in Application 89-02-025.

I N D E X

	<u>Page</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION 2. SERVICE POINTS DESCRIPTIONS	3
SECTION 3. REGULAR SCHEDULED ROUTES	3

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Decision 89 12 004, Application 89-02-025.

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

Airport Flyer International, L.P., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers, express, and baggage, between Los Angeles International Airport (LAX) and Burbank Airport (BUR), on the one hand, and certain points, described in Section 2, on the other hand, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- (a) This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is also authorized by the airport authority involved.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) No passengers shall be transported except those having a point of origin or destination at LAX, or BUR.
- (d) Regular route scheduled service shall be conducted 19 hours per day, 7 days per week, 365 days a year, over the routes and to the points described in Section 2. The tariffs and timetables shall include description of the specific stops.
- (e) The transportation of baggage and express shall be incidental to the transportation of passengers, and shall be limited to a weight of 100 pounds per shipment.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

Simi Valley: Simi Valley Travelodge, 2550 Erringer Road.

Chatsworth: Topanga Inn, 9817 Topanga Canyon Boulevard.

Sherman Oaks: Valley Hilton, 15433 Ventura Boulevard.

SECTION 3. REGULAR SCHEDULED ROUTES.

Route 1. Commencing at LAX, then via the most convenient streets and highways to any of the service points described in Section 2.

Route 2. Commencing from BUR, then via the most convenient streets and Highways to the Valley Hilton described in Section 2.

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