

Decision 89-12-012 DEC 6 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
of Kamran Chitgar for authority)
to operate as a passenger and)
baggage on-call stage corporation)
between Santa Clara County and)
San Jose and San Francisco Interna-)
tional airports.)

Application 89-08-015
(Filed August 9, 1989)

O P I N I O N

ORIGINAL

Kamran Chitgar (applicant) seeks authority to operate between certain points in Santa Clara County, on the one hand, and the Oakland International Airport, the San Francisco International Airport, and the San Jose Airport, on the other hand. Applicant proposes to perform an on-call service on a seven-day per week basis, 24 hours a day. Only passengers originating at or destined to Oakland International Airport, San Francisco International Airport, and San Jose Airport will be carried. Applicant will begin the proposed service with five 8-passenger 1990 vans. Applicant alleges that he has sufficient financial resources to institute and operate the proposed service, showing a balance sheet (unaudited) with a net worth in excess of \$400,000.

Applicant states that granting the authority would have no significant adverse effect upon the environment of the areas to be serviced. On the contrary, the availability of this service would be a benefit to the environment and to the public by a reduction of private vehicles on the roads.

Applicant states that public convenience and necessity require granting this application because the service offered by applicant is different and distinct from any public transportation currently being offered to the public in the proposed area.

Notice of this application appeared in the Commission's Daily Transportation Calendar of August 16, 1989. On August 29, 1989 applicant amended his application to clarify that he was seeking only authority between Santa Clara County and the three Bay Area airports. On September 26, Airport Limousine Service of Sunnyvale, Inc. protested the application on the grounds that there are sufficient carriers in the market and that applicant may not be financially able to perform the service. On October 5, applicant withdrew his amendment to his application.

The protest was filed too late. Rule 8.3 provides that protests shall be filed within 30 days of the date that notice of the filing of the application first appears in the Commission's Transportation Calendar. The protest contains no facts which would warrant our waiving the 30-day rule. A public hearing is not necessary. The application should be granted.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
3. The rates proposed in the application are deemed reasonable.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

5. Notice of the application first appeared in the Commission's Daily Transportation Calendar on August 16, 1989. Protest was filed September 26, 1989. The protest is untimely.

Conclusion of Law

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

Only the amount paid to the State for operative rights may be used in the rate fixing. The State may grant any number of

rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Kamran Chitgar, authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code (226, between the points and over the routes set forth in Appendix PSC-5957, to transport persons and 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 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.

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.

- 4 -

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
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Appendix PSC-5957

Kamran Chitgar

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-5957

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

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.

Issued under authority of Decision 89 12 012,
dated DEC 6 1989, of the Public Utilities Commission of
the State of California in Application 89-08-015.

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Issued by California Public Utilities Commission.

Decision 89 12 012, Application 89-08-015.

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

Kamran Chitgar, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between Santa Clara County, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJS) International Airport, on the other hand, over and along the routes described, subject, however, to the authority of this Commission to change or modify the route 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 a point of origin or destination at either SFO, OAK, and SJS.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

Santa Clara County

SECTION III. ROUTE DESCRIPTIONS.

Route 1. Commencing from any point in the County of Santa Clara to San Francisco International Airport.

Route 2. Commencing from any point in the County of Santa Clara to Oakland International Airport.

Route 3. Commencing from any point in the County of Santa Clara to San Jose International Airport.

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