

Decision 90 04 014 APR 11 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 L. A. Top Shuttle, Inc., a California )  
 corporation to acquire, and Mahmoud )  
 Aram and Entezamoldin Nazemzadeh, dba )  
 Los Angeles Top Shuttle, to transfer )  
 a passenger stage line certificate )  
 of public convenience and necessity )  
 and certain other assets, pursuant to )  
 Section 851 et seq. of the California )  
 Public Utilities Code. )

**ORIGINAL**

Application 89-12-026  
(Filed December 18, 1989)

O P I N I O N

Mahmoud Aram and Entezamoldin Nazemzadeh (transferors), a partnership, doing business as Los Angeles Top Shuttle, request authority to transfer a certificate of public convenience and necessity to L. A. Top Shuttle, Inc. (transferee). Certificate No. PSC-4948 was issued to transferors by Decision 88-07-028 dated July 8, 1988. It authorizes transferors to conduct operations as a passenger stage corporation on an on-call basis between defined areas in Los Angeles and Orange Counties on the one hand, and Los Angeles International Airport, Burbank/Glendale/Pasadena Airport, or Long Beach Municipal Airport, on the other hand.

Transferee is a California corporation with its principal place of business in Los Angeles. A certified copy of its Articles of Incorporation is attached to the application. In exchange for the issuance of stocks in the amount of \$30,000, of which is 59% distributed to transferor Nazemzadeh and 41% is distributed to transferor Aram, and notes for \$36,956 and \$36,955 to Nazemzadeh and Aram respectively, transferors have agreed to transfer assets of the partnership to the transferee corporation. The assets to be transferred include the certificate and the partners' equity interest in certain vans and office furniture and equipment.

Transferee also proposes to acquire the expansion of service area proposed by transferor in Application (A.) 89-08-022, which is currently pending.

A financial statement accompanying the application shows that with the transfer of property, transferee will have total assets of \$244,019.59, liabilities (consisting entirely of loans from officers) of \$214,019.59, and equity of \$30,000. Additionally, the stockholders of transferee propose to contribute additional funds to transferee as may be necessary to ensure viability of the operation.

Applicants allege that transferee is adequately financed and possesses the necessary experience and equipment to continue transferors' operations; that there will be no adverse effect on any existing carrier or the public as a result of the transfer; that transferee is staffed with knowledgeable, trained and experienced personnel; and that transferee will be able to perform the service profitably while providing affordable and efficient transportation service.

Notice of the application appeared in the Daily Transportation Calendar dated December 20, 1989. No protests have been received. On January 29, 1990 Transportation Division (Division) advised that applicants served notice of or copies of the application on all interested parties, and that the application is complete. Based on its review and analysis, Division recommends that the application be granted by ex parte order.

We find that transferee is qualified to perform the service now being provided by transferor and that there will be continuity of operations and service since the partners are the principals of transferee. We conclude that the application should be granted.

Findings of Fact

1. Transferors are operating as a passenger stage corporation pursuant to certificate of public convenience and necessity number PSC-4948.

2. Transferors Nazemzadeh and Aram are sole shareholders of transferee, a California corporation incorporated August 29, 1988.

3. With the exception of the expansion of service territory proposed in A.89-08-022, applicants have not proposed any change in the operations, schedules, or fares of transferor in connection with the transfer.

4. Transferee has the financial resources and the experience necessary to perform the proposed operations.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized. A public hearing is not necessary.

2. Since transferee is already incorporated and this matter is noncontroversial, the order should be made effective on the date it is signed.

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.

O R D E R

IT IS ORDERED that:

1. By July 1, 1990, Mahmoud Aram and Entezamoldin Nazemzadeh may transfer the operative rights and property specified in the application to L. A. Top Shuttle, Inc. (purchaser).

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 101, 104, and 158, and the California Highway Patrol (CHP) 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 L. A. Top Shuttle, Inc., a corporation, 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-6235, to transport passengers and baggage.

4. Prior to initiating service to any airport, transferee 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.

5. Operations may begin on the date that the Executive Director mails a notice to purchaser that its evidence of insurance is on file with the Commission and that the CHP has approved the use of purchaser's vehicles and terminal for service.

6. The certificate of public convenience and necessity granted by Decision 88-07-028 is revoked on the effective date of the tariffs.

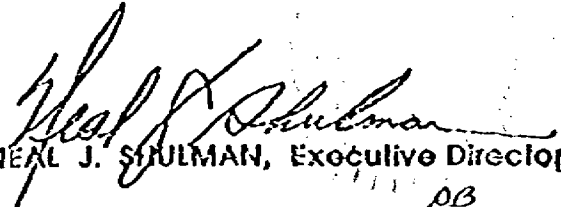
7. Transferee shall assess fares no higher than those presently named in the tariff of transferors until such time as increases in such fares may be authorized by the Commission.

This order is effective today.

Dated APR 11 1990, 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

  
NEAL J. SHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-6235

L.A. Top Shuttle, Inc.

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-6235

TO OPERATE AS

PASSENGER STAGE CORPORATION

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

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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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This certificate supersedes all operative authority previously  
granted to Mahmoud Aram and Entezamoldin Nazemzadeh  
or their predecessors by D.88-07-028.

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Issued under authority of Decision 90 04 014, dated

APR 11 1990, of the Public Utilities Commission of the  
State of California in Application 89-12-026.

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Issued by California Public Utilities Commission.

Decision 90 04 014 , Application 89-12-026.

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

L.A. Top Shuttle, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage on an on-call basis, between points in Los Angeles and Orange Counties, on the one hand, described in Section 2, and Los Angeles International (LAX), Burbank (BUR), or Long Beach (LGB) Airports, 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 operation on the property of or into any airport unless such operation is 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, BUR or LGB.
- d. The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which the authorized door-to-door, on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- e. The tariffs and timetables shall specify the exact locations of the scheduled stops for Route 1.

Issued by California Public Utilities Commission.

Decision 90-04-014, Application 89-12-026.



## SECTION 2. SERVICE AREA DESCRIPTIONS.

Los Angeles Service Area

Beginning at the Pacific Ocean and the San Gabriel River, then north along the San Gabriel River to its intersection with the San Gabriel River Freeway (I-605), then north along I-605 to the Artesia Freeway (SR 91), then west along SR 91 to the Long Beach Freeway (I-710), then north along I-710 and the western boundary of the City of Alhambra to the southern boundary of the City of South Pasadena, then along the city limits of South Pasadena, Pasadena, Glendale, and Burbank (including South Pasadena, Pasadena, Glendale, Montrose, La Crescenta and Burbank) to the intersection of the western city limit of Burbank with the Ventura Freeway (SR 134), then west along the Ventura Freeway (SR 134 & US 101) to the San Diego Freeway (I-405), then south along I-405 to a point one mile north of Sunset Boulevard, then along an imaginary line parallel to and one mile north of Sunset Boulevard to the Pacific Ocean.

The Los Angeles Service Area generally includes the following cities and communities:

Bel Air Estates	Hawthorne	Rancho Palos Verdes
Bell	Hermosa Beach	Rancho Park
Beverly Hills	Highland Park	Redondo Beach
Boyle Heights	Hollywood	Rolling Hills
Brentwood	Huntington Park	Rollings Hills Estates
Burbank	Inglewood	San Pedro
Carson	La Crescenta	Santa Monica
Compton	Lawndale	Sherman Oaks
Cudahy	Lennox	Signal Hill
Culver City	Lomita	South Pasadena
Downtown Los Angeles	Long Beach	Studio City
Eagle Rock	Lynwood	Torrance
East Los Angeles	Manhattan Beach	Universal City
El Segundo	Marina del Rey	Venice
Florence	Maywood	Vernon
Fox Hills	Monterey Hills	Watts
Gardena	Montrose	West Hollywood
Glassell Park	Pacific Palisades	West Los Angeles
Glendale	Palos Verdes Estates	Westchester
Hancock Park	Pasadena	Westwood
Harbor City	Playa del Rey	Wilmington

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SECTION 2. SERVICE AREA DESCRIPTIONS. (continued)

Disneyland Service Area

Beginning at the intersection of Euclid Street and Ball Road, then east along Ball Road to Anaheim Boulevard, then south along Anaheim Boulevard and Haster Street to Chapman Avenue, then west along Chapman Avenue to Euclid Street, then north along Euclid Street to its intersection with Ball Road.

SECTION 3. ROUTE DESCRIPTIONS.

Route 1. ON-CALL SCHEDULED SERVICE - DOWNTOWN LOS ANGELES - LAX

Commencing at hotels in downtown Los Angeles, then via the most convenient streets and highways to LAX.

Route 2. DOOR-TO-DOOR, ON-CALL SERVICE

Commencing at any point within the authorized service area, described in Section 2, then via the most convenient streets and highways to LAX, BUR or LGB.

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