

Decision 90 04 015 APR 11 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LAX CHEQUER VAN, INC., a California)
corporation to acquire, and ALI)
HOMSI, dba LAX CHEQUER VAN, to)
transfer a passenger stage)
certificate of public convenience)
and necessity and certain other)
assets pursuant to Section 851 et.)
seq. of the California Public)
Utilities Code.)

ORIGINAL

Application 90-01-050
(Filed January 24, 1990)

O P I N I O N

Ali Homsí (transferor), an individual, doing business as LAX Chequer Van, Inc., and LAX Chequer Van, Inc. (transferee), a corporation, request authority to transfer a certificate of public convenience and necessity authorizing operations as a passenger stage corporation from transferor to transferee. Certificate No. PSC-5859 was issued to transferor by Decision (D.) 89-11-024. It authorizes transferor 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, Long Beach Municipal Airport, John Wayne Airport, or Los Angeles and Long Beach Harbors, 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. Transferor is owner of 1/3 of the shares of outstanding stock in transferee, and is transferee's president and chief financial officer. It is transferee's desire to commence operations as a passenger stage corporation by operation of transferor's certificate. Transferor

wishes to discontinue operations as an individual and operate as chief executive officer of transferee.

The application alleges that the officers of transferee have extensive business and transportation experience, and will have the equipment to carry on transferor's operations.

A balance sheet accompanying the application shows that transferee had total assets in January 1990 of \$31,738, and no liabilities. Additionally, the stockholders of transferee propose to contribute additional funds to transferee as may be necessary to ensure viability of the operation.

Notice of the application appeared in the Daily Transportation Calendar. No protests have been received.

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 transferor is one of the principals of transferee. We conclude that the application should be granted.

Findings of Fact

1. Transferor is operating as a passenger stage corporation pursuant to certificate of public convenience and necessity number PSC-5859.
2. Transferor is a 1/3 shareholder of transferee, a California corporation.
3. 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, Ali Homsî may transfer the operative rights specified in the application to LAX Chequer Van, 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 LAX Chequer Van, 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-6288, to transport passengers and baggage.

4. Before beginning service to any airport, transferee shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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 D.89-11-024 is revoked on the effective date of the tariffs.

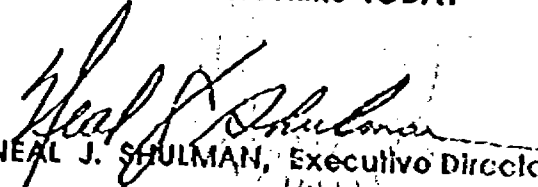
7. Transferee shall assess fares no higher than those presently named in the tariff of transferor until such time as increases in such fares may be authorized by the Commission.

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. OHAMIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHULMAN, Executive Director

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-6288

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 operating authority previously granted to Ali Homsî or his predecessors by D.89-11-024.

Issued under authority of Decision 90 04 015, dated

APR 11 1990 of the Public Utilities Commission of the State of California in Application 90-01-050.

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Issued by California Public Utilities Commission.

Decision 90 04 015, Application 90-01-050.

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

LAX CHEQUER VAN, INC., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to provide on-call, door-to-door, passenger stage services to transport passengers and baggage between certain points in the counties of Los Angeles and Orange, described in Section 2, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), John Wayne Airport (SNA), or Los Angeles and Long Beach Harbors, 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 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, LGB, SNA, or Los Angeles and Long Beach Harbors.
- (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 each authorized 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.

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SECTION 2. SERVICE AREA DESCRIPTIONS

Los Angeles County

Includes all points within the geographical limits of Los Angeles County South of the Angeles National Forest.

Orange County

Includes all points within the geographical limits of Orange County.

SECTION 3. ROUTE DESCRIPTIONS

On-Call, Door-to-Door Service

Commencing at LAX, BUR, LGB, SNA, or Los Angeles and Long Beach Harbors, then via the most convenient streets and highways to any point within the service areas described in Section 2.

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