

ORIGINAL

Decision 90 05 075 MAY 22 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Esfandiar Habibi, dba Metro Airport)
Shuttle, for authority to operate)
as a passenger stage between)
certain portions of San Diego,)
Orange, Riverside, San Bernardino)
and Los Angeles Counties, on one)
hand, and San Diego Airport, John)
Wayne Airport (SNA), Los Angeles)
International Airport (LAX), Long)
Beach Airport and Ontario Airport,)
on the other hand.)

Application 89-07-023
(Filed July 17, 1989;
amended October 23, 1989)

William A. Turkish, Attorney at Law, for E. Habibi,
F. Ehteshamzede, and A. Aref, applicants.
S. E. Rowe, by K. D. Walpert, for the Department
of Transportation, City of Los Angeles,
protestant.
Victor G. Baffoni, for United Transportation Union,
interested party.
MacDonald Ebi Esule, for the Transportation Division.

O P I N I O N

Esfandiar Habibi (Habibi), Firooz Ehteshamzede, and
Amir F. Aref, a partnership, doing business as Metro Airport
Shuttle, request authority under Public Utilities (PU) Code § 1031,
et seq., to establish and operate an on-call passenger stage
corporation service for the transportation of passengers and their
baggage between points in the Counties of Orange, Riverside, San
Bernardino, and Los Angeles, on the one hand, and John Wayne
Airport, Los Angeles International Airport (LAX), Long Beach
Airport, and Ontario Airport, on the other hand.

A protest having been filed by the Los Angeles Department
of Transportation (LADOT), a duly noticed public hearing was held
before Administrative Law Judge Orville I. Wright in Los Angeles on

November 2, 1989, and the matter was submitted upon the filing of the transcript on January 11, 1990.

Applicant's Evidence

Habibi, one of the partners, testified that he has been employed as a shuttle van driver to and from LAX for the past nine months.

He testified further that he has been in the public transportation business for almost 20 years, the most recent 12 or 13 years in the United States as a driver, dispatcher, office manager, and road supervisor with several transportation companies.

The witness states that need for additional van services at airports is shown by the tremendous growth in airline travel and related ground transportation which has occurred since airline deregulation in 1978 (Decision (D.) 89-10-028, October 12, 1989).

Three public witnesses appeared at the hearing to support the application and testify to the good moral character and business acumen of Habibi.

Additionally, Habibi conducted an informal survey of shuttle van passengers departing LAX. He obtained 44 positive responses to a form letter stating that the intending passenger would use applicants' van service if it was prompt, dependable, and reasonably priced.

Habibi presented a balance sheet dated May 1, 1989, showing \$532,000 in assets, including \$70,000 cash in bank, and liabilities of \$80,000.

Applicants propose to utilize 36 new 7- or 10-passenger vans in transportation service if the application is granted. Six of these vans will be equipped with a lift in order to accommodate handicapped passengers, according to the testimony.

LADOT's Evidence

LADOT's participation in the hearing developed the record with respect to financial projects and the ability of applicants to conduct the sought service. Applicants' projected annual income

statement was shown to have omitted some expenses, overestimated revenue, and was somewhat speculative.

LADOT produced two witnesses who testified to the heavy traffic congestion at LAX and who also expressed the opinion that there is adequate on-call, door-to-door transportation at the present time.

Discussion

Need for applicants' service has been demonstrated in this proceeding by evidence that there has been a tremendous growth in airline travel and related ground transportation since airline deregulation in 1978, as found by the Commission in D.89-10-028.

LADOT's testimony that there is adequate on-call service at LAX is based on visual observations of vans leaving the airport by two employees, each of whom admitted that no attempt was made to conduct a definitive survey.

With respect to airport congestion, we observe that the Los Angeles Department of Airports is not a party to this proceeding, and that agency's permission to enter LAX must be obtained in addition to certification by this Commission if the proposed operations are to go into effect.

Waiver of Proposed Decision

At the close of the hearing, applicants moved to waive the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure).

We will grant the motion in this case as it is unopposed.

Findings of Fact

1. Applicants have the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
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. As the evidence in this case shows a compelling present need for the proposed service, the order should be effective on date of signing.

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 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 Esfandiar Habibi, Firooz Ehteshamzede, and Amir F. Aref, authorizing them 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-5929, to transport persons and baggage.

2. Applicants 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 their 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 101, 104, and 158, 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. Before beginning service to any airport, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

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

5. The application is granted as set forth above.

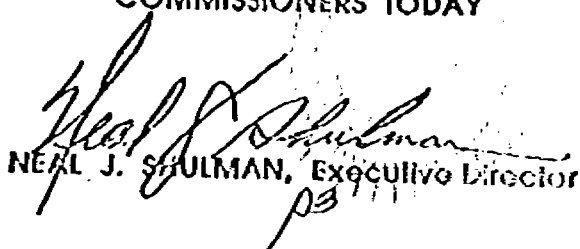
This order is effective today.

Dated MAY 22 1990, at San Francisco, California.

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

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director

T/MEE/ebi

Appendix PSC-5929

Esfandiar Habibi,
Firooz Ehteshamzede, and Amir F. Aref

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-5929

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 90 05 075, dated MAY 22 1990 of the Public Utilities Commission of the State of California in Application 89-07-023.

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Decision 90 05 075, Application 89-07-023.

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

Esfandiar Habibi, Firooz Ehteshamzede and Amir F. Aref, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to provide on-call, door-to-door passenger stage services to transport passengers and their baggage between points in the counties of Los Angeles, Orange, San Bernardino and Riverside, described in Section 2, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), Ontario Airport (ONT), John Wayne Airport (SNA), Los Angeles Amtrak Station, 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 routes 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's governing body.
- (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, ONT, Los Angeles Amtrak Station or Los Angeles/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.

On-Call, Door-to-Door Service

Los Angeles County

All points within the geographical limits of Los Angeles County.

Orange County

All points within the geographical limits of Orange County.

San Bernardino County

All points within the cities of: Chino, Fontana, Redlands, Rialto, San Bernardino, Grand Terrace/Colton, Montclair, Ontario, Rancho Cucamonga, Upland, Highland; and, the zip code communities of:

Alta Loma	91701
Etiwanda	91739
Parker Dam/Pioneertown	92267
Loma Linda/Bryn Mawr	92354, 92318
Bloomington	92316

Riverside County

All points within the cities of: Riverside (92501-92509), Corona, Lake Elsinore, Norco; and, the zip code community of Mira Loma (CA 91760)

SECTION 3. ROUTE DESCRIPTIONS.

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

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