

Decision 90 06 004 JUN 06 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 USAMA AL BOSTANI, KHALIL HOMEIDAN )  
 and FARAHAT F. ABDELMALEK, a co- )  
 partnership, doing business as )  
 Airtrans Express, for a certificate )  
 of public convenience and necessity )  
 to operate as a passenger stage )  
 between points in the Los Angeles )  
 and Orange Counties, on the one )  
 hand, and Los Angeles International )  
 Airport, Burbank Airport, Long )  
 Beach Airport, John Wayne Airport, )  
 Ontario Airport, and Los Angeles )  
 harbor, on the other hand. )

**ORIGINAL**

Application 90-02-003  
(Filed February 1, 1990)

O P I N I O N

Usama Al Bostani, Khalil Homeidan, and Farahat F. Abdelmalek, a copartnership, doing business as Airtrans Express (applicant), seek authority under Public Utilities (PU) Code § 1031 for a certificate of public convenience and necessity to establish and operate a passenger stage for the transportation of passengers and baggage between points in Los Angeles and Orange Counties, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport, Long Beach Airport, John Wayne Airport, Ontario Airport, and Los Angeles harbor, on the other hand.

Applicant will operate three Dodge vans in its proposed service. All motor vehicle equipment to be operated by applicant will be covered by liability insurance in amounts that meet the minimum requirements under the Commission's General Order 101-E, or supplements or amendments thereto. The vans will be garaged at the garage facilities of each partner. Applicant will utilize outside commercial repair businesses for the repair and maintenance of the vans.

Applicant proposes to perform "on-call, door-to-door service" on a 7-day-a-week basis, 20 hours per day.

The granting of the authority for the operations sought will have no significant adverse effect upon the environment of the areas to be served. Applicant declares that the availability of this service will benefit the environment and the public by a reduction of private vehicles over the roads and highways within the areas to be served.

Applicant asserts that public convenience and necessity will be served by the granting of this application because:

- a. Persons who either do not require and/or do not wish to pay for a luxury limousine service or taxi will obtain dependable and good quality transportation service to and from the points to be served.
- b. With the increase in both domestic and international travel, and the expanded utilization of all of the airports in Los Angeles and Orange Counties, there is a greater need for transportation to service the traveling public. In addition, there is also a need to provide shuttle service to and from the Los Angeles harbor.
- c. The partners each have several years' experience in operating van buses, having been employed by shuttle van companies serving points within the Los Angeles and Orange County areas. Applicant will specialize in offering services not only to the general public but also to customers who are of Middle Eastern origin who speak no English, but who speak Arabic or Farsi only.

Notice of the application was served according to the Commission's rules and was published in the Commission's Daily Calendar on February 6, 1990.

On April 27, 1990 the City of Los Angeles, through its Department of Airports (protestant) filed a protest to the application insofar as applicant seeks to serve LAX. The filing

was over a month late and was accompanied by a motion to permit the late filing. The protest alleges that protestant has adopted a resolution applicable to LAX imposing an interim moratorium on the issuance of new on-demand passenger stage carrier airport permits. The moratorium will be in effect pending completion of an airport study of operations and problems attendant to passenger stage carrier operations at LAX. Protestant alleges that LAX serves approximately 45 million annual passengers through its central terminal area which is serviced by one road divided into an upper and lower level, World Way. World Way is experiencing severe traffic congestion and curbside parking problems.

Protestant asserts that should applicant be awarded a certificate by this Commission and an airport permit it would utilize World Way in providing service. In our opinion protestant has not made a sufficient showing which would warrant our permitting its late-filed protest. Our order authorizes airport service only on condition that the certificate holder obtains a permit from the airport operator. (Ordering Paragraph 3.) At LAX the operator is protestant. Protestant has imposed a moratorium on new airport permits so applicant will not be permitted to serve at LAX. The motion of protestant to file its out-of-time motion is denied. A public hearing is not necessary.

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.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. 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.
3. The motion of the City of Los Angeles to file an out-of-time protest is denied.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Usama Al Bostani, Khalil Homeidan, and Farahat F. Abdelmalek, doing business as Airtrans Express (applicant), 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-6369, 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 its 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, applicant 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.

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.

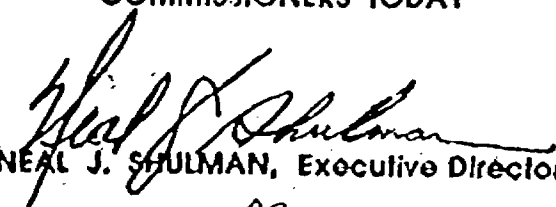
5. The application is granted as set forth above.

This order is effective today.

Dated JUN 06 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-6369

Usama Al Bostani,  
Khalil Homeidan,  
& Farahat F. Abdelmalek

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-6369

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

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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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Issued under authority of Decision 90 06 004, dated  
JUN 06 1990 of the Public Utilities Commission of the  
State of California in Application 90-02-003.

T/MEE/ebi

Appendix PSC-6369

Usama Al Bostani,  
Khalil Homeidan,  
& Farahat F. Abdelmalek

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Decision 90 06 004, Application 90-02-003.

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

Usama Al Bostani, Khalil Homeidan and Farahat F. Abdelmalek, 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 their baggage between points in the counties of Ventura, Los Angeles, and Orange, on the one hand, described in Section 2, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), Ontario Airport (ONT), 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 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, ONT, SNA, 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.

Hotels/Motels

All hotels and motels within the geographical limits of the Cities of Anaheim, Buena Park, Costa Mesa, Fullerton, Garden Grove, Irvine, Newport Beach, Santa Ana, Burbank, Long Beach, Ontario, and Van Nuys.

SECTION 3. ROUTE DESCRIPTIONS.

Route 1. 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, or Los Angeles/Long Beach Harbors.

Route 2. Commencing at any of the hotels/motels described in Section 2 and SNA, then via the most convenient streets and highways to LAX.

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