

**ORIGINAL**

Decision 90 06 040 JUN 20 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Entezamoldin Nazemzadeh and Mahmoud )  
 Aram dba Los Angeles Top Shuttle, Inc. )  
 to expand its existing passenger stage )  
 authority (PSC-4948) to certain por- )  
 tions of Los Angeles County, Orange )  
 County, Riverside County, Ventura )  
 County and San Bernardino County on )  
 one hand and Los Angeles International )  
 (LAX) Airport, Burbank (BUR) Airport, )  
 Long Beach (LGB) Airport and John Wayne- )  
 Orange County (SNA) Airport on the )  
 other hand. )

Application 89-08-022  
(Filed August 14, 1989)

Entezamoldin Nazemzadeh, for L. A. Top Shuttle, Inc., applicant.  
 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

Entezamoldin Nazemzadeh and Mahmoud Aram, a partnership doing business as Los Angeles Top Shuttle, Inc., request authority under Public Utilities (PU) Code § 1031, et seq., to expand their existing passenger stage authority (PSC-4948) to include certain portions of Los Angeles County, Orange County, Riverside County, Ventura County, and San Bernardino County, on the one hand, and Los Angeles International Airport, Burbank Airport, Long Beach Airport, and John Wayne Orange County 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 3, 1989, and the matter was ordered to be submitted at the time the transcript was filed. The submittal date was changed to April 11, 1990 to allow for Commission action on Application (A.) 89-12-026 described below.

A.89-12-026

During the course of the public hearing in this matter it was disclosed that applicant was a corporation, rather than a partnership as alleged in the application. Transportation Division and applicant thereupon agreed that a new application seeking Commission approval for the transfer of PSC-4948 from the partnership to L. A. Top Shuttle, Inc., a corporation, would be filed.

An appropriate filing was made (A.89-12-026). It was approved by Decision (D.) 90-04-014, April 11, 1990, which granted PSC-6235 to L. A. Top Shuttle, Inc. and revoked PSC-4948. No changes other than the name of the entity holding the certificate of public convenience and necessity were made.

Applicant's Showing

Applicant seeks to expand its on-call service area commensurate with the requests of its customers. No increase in the number of vehicles is sought as applicant states that it is abiding by the moratorium on additional vehicles imposed by the Los Angeles Department of Airports.

As found in D.90-04-014, applicant does not propose any change in its operations, schedules, or fares, and it has the financial resources and experience necessary to perform the proposed operations.

Waiver of Proposed Decision

It is common in the case of airport shuttle service applications for applicants to move to waive the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure), which motion has been uniformly granted.

While applicant in this instance has not requested waiver of the comment procedure, we will make and grant such action on our own motion as the evidence shows a compelling present need for the proposed service.

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. 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 this application involves only the expansion of an existing 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. The certificate of public convenience and necessity 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 persons and baggage, is amended by First Revised Pages 1 through 4 which cancel Original Pages 1 through 4. ✓

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.

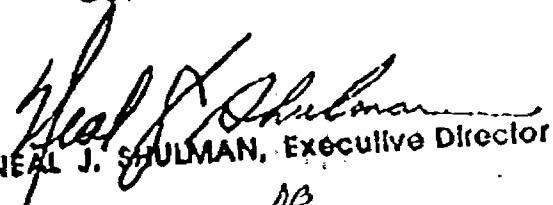
4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that its evidence of insurance is on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.  
This order is effective today.  
Dated JUN 20 1990, at San Francisco, California.

FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

President G. Mitchell Wilk,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director  
AB

T/MEE/ebi \*

Appendix PSC-6235

L.A. Top Shuttle, Inc.

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Issued by California Public Utilities Commission.

\*Revised by Decision 90-06-040, Application 89-08-022. ✓

**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 on-call basis, between points in Los Angeles, Orange, \*Riverside, Ventura and San Bernardino Counties, on the one hand, described in Section 2, and Los Angeles International (LAX), Burbank (BUR), Long Beach (LGB) or John Wayne (SNA) 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 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 or \*SNA.
- (d) 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 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 transportation of baggage and express shall be incidental to the transportation of passengers, and shall be limited to a weight of 100 pounds per shipment.

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\*Revised by Decision 90 06 040, Application 89-08-022.

## SECTION 2. SERVICE AREA DESCRIPTIONS.

\*Los Angeles County

All points within the geographical limits of Los Angeles County.

\*Orange County

All points within the geographical limits of Orange County West of the Cleveland National Forest.

\*Riverside County

All points within the geographical limits of the Cities of Corona, Norco, Riverside, and the community of Mira Loma.

\*Ventura County

All points within the geographical limits of the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks and Ventura, and the following unincorporated zip code communities:

<u>Community</u>	<u>Zip Code</u>
Newbury Park	91320
Oakview	93022
Point Mugu	93042
Point Mugu State Park	93042
Piru	93040
Somis	93066

\*San Bernardino County

All points within the geographical limits of the Cities of Chino, Colton, Etiwanta, Fontana, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino and Upland, and the following zip code communities:

Crafton	92373, 92374
Bryn Mawr	92314
Guasti	91743
Mentone	92359
Yucaipa	92399

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\*Revised by Decision 90-06-040, Application 89-08-022. ✓



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Appendix PSC-6235

L.A. Top Shuttle, Inc.

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SECTION 2. SERVICE AREA DESCRIPTIONS. (continued)

\*Disneyland Service Area (now included in Orange County service area)

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, LGB or \*SNA.

Issued by California Public Utilities Commission.

\*Revised by Decision 90-06-040, Application 89-08-022. ✓