

Decision 90 09 026 SEP 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Suren Nazaryan dba APOLLO - SOYUZ  
 AIRPORT PASSENGER SERVICE. (ASAPS)  
 - PCS 5451 for a certificate of  
 public convenience and necessity for  
 expansion of service area, to provide  
 passenger stage service between points  
 on Los Angeles, Orange, Riverside  
 counties on one hand, and Los Angeles  
 International (LAX), Burbank (BUR),  
 Long Beach, John Wayne, Ontario  
 Airports, Amtrak Station and Los  
 Angeles and Long Beach Harbors on  
 the other hand.

ORIGINAL

Application 90-02-062  
 (Filed February 27, 1990;  
 amended May 22, 1990)

Surayan Nazaryan, for applicant.  
Ebi Esule, for Transportation Division.

O P I N I O N

Surayan Nazaryan, doing business as Apollo-Soyuz Airport Passenger Service, originally sought a certificate of public convenience and necessity authorizing operations as a passenger stage corporation between Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), Ontario Airport (ONT), John Wayne Airport (SNA), Los Angeles Amtrak Station (LA Amtrak), Los Angeles Harbor, and Long Beach Harbor, on the one hand, and certain points located in the counties of Los Angeles, Orange, Riverside, and San Bernardino, on the other hand.

The application was protested by the City of Los Angeles Department of Transportation which later withdrew its protest.

Public Hearing was noticed to be held before Administrative Law Judge O'Leary at Los Angeles on May 10, 1990. At the time and place set for hearing, applicant advised that he was in the process of preparing an amendment to the application

which would resolve certain deficiencies in the application noted by the Transportation Division staff. Applicant further requested that the matter be submitted on the pleadings after the filing of the amendment which was filed on May 22, 1990. The appearance for the Transportation Division staff had no objection to the request. In view of the fact that no evidence was presented at the hearing and that this matter is being decided based on the pleadings we will issue our decision without requiring a proposed decision by the administrative law judge.

The application as amended seeks authority to operate a passenger stage service between Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), John Wayne Airport (SNA), Los Angeles Amtrak Station (LA Amtrak), Los Angeles Harbor, and Long Beach Harbor, on the one hand, and points located in the counties of Los Angeles and Orange, on the other hand.

Applicant proposes to perform a door-to-door, on-call service 24 hours per day, seven days per week.

Applicant alleges that:

\*Public convenience and necessity require the granting of this application for the following reasons:

- \*1. The service offered by applicant is different and distinct from any public transportation system currently being offered to the public in the proposed areas.
- \*2. The number of Armenian and Russian air travelers arriving at Los Angeles Airport increases dramatically. The number of visitors, both for business and pleasure, has increased in proportion to the dramatic increase in the Armenian and Russian resident population in the Los Angeles area. It is anticipated that the Armenian and Russian presence in Los Angeles will continue into the foreseeable future.
- \*3. Armenian and Russian air travelers typically face a language barrier at LAX. Present shuttle services are unable to

accommodate these passengers. The Armenian and Russian travelers are extremely reluctant to use any of the present shuttle services due to the fact that he or she is uncertain as to what services are being offered.

"Because of the language barriers and lack of certain skills to find ways of transportation to and from LAX, these proposed passengers do not benefit from existing transportation services. For reasons similar to those stated above, the Armenian and Russian air travelers resort to attempting to find a transportation service listed in the phone book with a familiar name and speaking their language.

"Applicant currently is providing this service within area approved by PUC under PSC-5451, has hired drivers who speak English, Armenian, and Russian languages, has displayed signs in these languages, does advertise in the community.

"The expansion of this service to the areas mentioned in this application will satisfy the demand of proposed passengers residing in those areas that will help them to use this affordable service rather than to drive their cars to and from LAX.

"For the foregoing reasons, applicant is of the opinion that the service herein proposed is non-controversial in nature and should not be in conflict with any existing public or commission certificated service."

The fares applicant proposes are set forth in Exhibit A, attached to the application.

Exhibit M, attached to the amendment to the application, contains copies of applicant's balance sheet as of March 31, 1990 and Income Statement for the eight-month period ending March 31, 1990. The balance sheet discloses assets of \$234,134.77 offset by liabilities of \$155,060.17, a resultant net worth of \$79,074.60. The Income Statement discloses total income of \$202,889.59 and expenses before depreciation, amortization, and taxes of \$184,137.54, a net income of \$7,831.35.

The application and amendment thereto were served in accordance with Rule 21(k) of the Commission's Rules of Practice and Procedure. Notice of the filing of the application and amendment thereto were published in the Commission's Daily Transportation Calendars of March 6, 1990 and May 29, 1990, respectively.

The Commission's Transportation Division staff has advised in its Supplemental Advice of Participation dated June 11, 1990 that it has no objection to the application.

Findings of Fact

1. Applicant seeks authority to perform operations as a passenger stage corporation between Los Angeles International Airport, Burbank Airport, Long Beach Airport, John Wayne Airport, Los Angeles Amtrak Station, Los Angeles Harbor, and Long Beach Harbor, on the one hand, and points in Los Angeles and Orange Counties, on the other hand.

2. Applicant has the ability, experience, equipment, and financial resources to provide the proposed service.

3. Public convenience and necessity require the issuance of a certificate to perform the proposed service.

4. One protest which was received was withdrawn.

5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application 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 Suren Nazaryan, authorizing him to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in First Revised Page 2 Cancels Original Page 2 and First Revised Page 3 Cancels Original Page 3, Appendix PSC-5451, 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 his 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 his

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.

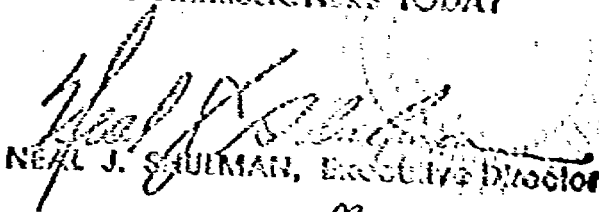
This order becomes effective 30 days from today.

Dated SEP 12 1990, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
PATRICIA H. ECKERT  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

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

  
NEIL J. SAULMAN, Executive Director

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

Suren Nazaryan, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized as a passenger stage coach to \*transport passengers and their baggage on-call, door-to-door basis between points in Los Angeles and Orange counties, described in Section 2, and Los Angeles International Airport (LAX), \*Long Beach Airport (LGB), Burbank Airport (BUR), Ontario Airport (ONT), John Wayne Airport (SNA), Los Angeles (LA) Amtrak Station (Amtrak), or LA and Long Beach Harbors (Harbors), 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, \*LGB, BUR, ONT, SNA, Amtrak or 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.

Issued by California Public Utilities Commission.

\*Revised by Decision No. 90 09 026, Application 90-02-062.

SECTION 2. SERVICE AREA DESCRIPTIONS

Los Angeles County

\*All points within the geographical limits of Los Angeles County (includes all previous service points).

\*Orange County

All points within the geographical limits of Orange County.

SECTION 3. ROUTE DESCRIPTIONS

On-Call, Door-to-Door Service

Commencing at LAX, \*LGB, LGB, ONT; SNA, Amtrak or Harbors, then via the most convenient streets and highways to any point within the service areas described in Section 2.

Issued by California Public Utilities Commission.

90 09 026

\*Revised by Decision \_\_\_\_\_, Application 90-02-062.