

FEB 7 1991

Decision 91-02-014 February 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In Re the Matter of the Application )  
of Behzad Fatemi dba South Bay )  
Airport Shuttle and South Bay Airport )  
Shuttle, Inc. for transfer of )  
passenger stage authority PSC 1452 )  
pursuant to Sections 851 and 854 of )  
the Public Utilities Code. )

**ORIGINAL**

Application 90-09-045  
(Filed September 18, 1990)

In the Matter of the Application of )  
Behzad Fatemi dba: South Bay Airport )  
Shuttle to amend its certificate of )  
public convenience and necessity as )  
a passenger stage corporation to add )  
a door to door service to the )  
Counties of San Mateo and Alameda, )  
and between Santa Clara County and )  
Oakland Airport. )

Application 90-11-039  
(Filed November 21, 1990)

OPINION

Since the above applications were filed by the same party they are consolidated for decision.

Application to Transfer Authority Following Incorporation

By Application (A.) 90-09-045 Behzad Fatemi (transferor) doing business as South Bay Airport Shuttle requests authority to transfer his certificate of public convenience and necessity authorizing operations as a passenger stage corporation to South Bay Airport Shuttle, Inc. (transferee).

The purpose of the transfer is to reflect the incorporation of the transferor. The transferor presently conducts door-to-door on-call service from points in Santa Clara County to San Jose and San Francisco airports. Service will not change under the corporate organization. Notice of the application appeared in the Commission's Daily Calendar on September 25, 1990. No

objection to the application has been received. The Commission's Transportation Division recommends that the application be granted ex parte.

Application to Extend Service Area

By A.90-11-039, Behzad Fatemi (applicant), doing business as South Bay Airport Service, requests authority under Public Utilities (PU) Code § 1031, et seq. to extend his passenger stage service to include points in Santa Clara County and the San Jose and San Francisco Airports. Applicant requested by letter dated January 11, 1991 that the sought authority be transferred to his incorporated business, South Bay Airport Shuttle, Inc.

Also, applicant proposes to establish a zone of rate freedom (ZORF) fares for the service. Since this will be a new service and applicant has not established that there is competition which is affecting the proposed extended service area, the proposed ZORF does not meet the requirements as stated in PU Code § 454.2. Therefore, applicant's request for ZORF fares should be denied. Applicant shall file single rate fares for the extended service area.

Applicant, pursuant to Decision (D.) 88-03-053 (PSC-1452) presently provides on-call service between points in Santa Clara County and the San Jose and San Francisco airports. Service is presently provided using seven vans and one limousine.

A balance sheet attached to the application shows total assets of \$80,103, including \$17,407 cash in bank, and a net worth of \$4,307.

Notice of the application appeared in the Commission's Daily Calendar on November 28, 1990. In addition, notice of the filing of the application was served by applicant on all governmental agencies and regional transportation planning agencies within whose boundaries passengers will be loaded and unloaded. There have been no protests to the application filed with the

Commission, and Transportation Division staff recommends ex parte handling of the application.

Findings of Fact:

1. Notice of the filing of A.90-09-045 appeared in the Daily Calendar on September 25, 1990. No protests have been filed. A hearing is not necessary.

2. Notice of the filing of A.90-11-039 appeared in the Daily Calendar on November 28, 1990. No protests have been filed. A hearing is not necessary.

3. Since the above applications were filed by the same party, and the applications relate to the same passenger stage service, it is appropriate to consolidate both applications for decision.

4. Behzad Fatemi, doing business as South Bay Airport Shuttle, has incorporated his business, and requests authority to transfer his certificate of public convenience and necessity authorizing operations as a passenger stage corporation to the corporation, South Bay Airport Shuttle, Inc.

5. Transferee will not introduce any changes in the operations, schedules, or fares of transferor in connection with this transfer.

6. Transferee has the financial resources and the experience necessary to perform the operations currently conducted by transferor.

7. Applicant has the ability, equipment, and financial resources to perform the proposed service in the extended service area.

8. Applicant has not established that there is competition in the extended service area that justifies the need for ZORF fares.

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

10. Since applicant is ready to provide service in the extended service area, and it is in the public interest that such service be made available without undue delay, this order should be effective immediately.

Conclusions of Law

1. Since transferee is already incorporated and this matter is noncontroversial, the request to transfer passenger stage authority should be granted.

2. Applicant's request for ZORF fares for the proposed extended service area should be denied because applicant has not established a need for such fares.

3. Public convenience and necessity have been demonstrated, and a certificate should be granted to applicant to serve the requested extended service area.

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.

ORDER

IT IS ORDERED that:

1. The certificate of public convenience and necessity is granted to Behzad Fatemi, 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 Appendix PSC 5196, to transport persons and baggage, as specified in A.90-11-039.

2. By March 1, 1991 Behzad Fatemi (transferor) may transfer the operative rights specified in A.90-09-045 and A.90-11-039 to South Bay Airport Shuttle, Inc. (transferee).

3. Transferee shall:

- a. File with the Transportation Division written acceptance of the certificate as requested in A.90-09-045 and A.90-11-039

- and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Establish the authorized service provided in Ordering Paragraph 1 and file tariffs and timetables within 120 days after this order is effective.
  - c. Amend or reissue transferor'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.
  - d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) 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.

4. If the transfer is completed, on the effective date of the tariffs, a certificate of public convenience and necessity is granted to South Bay Airport 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-5196, to transport passengers and baggage.

5. The certificate of public convenience and necessity granted by D.88-03-053 is revoked on the effective date of the tariffs.

6. 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.

7. Applicant's request for zone of rate freedom fares for the extended service area is denied. Applicant shall file single rate fares for the extended service area.

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

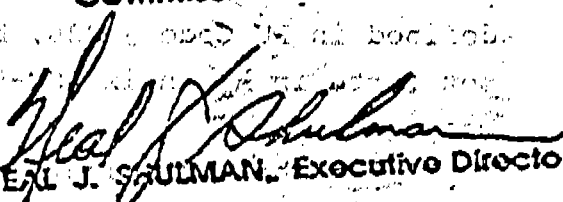
9. The application is granted as set forth above.

This order is effective today.

Dated February 6, 1991, at San Francisco, California.

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

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

  
NEAL J. SCHULMAN, Executive Director

Appendix PSC-5196

South Bay Airport  
Shuttle, Inc.

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-5196

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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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Supersedes authority heretofore granted to  
Behzad Fatemi, an individual  
by D.88-03-053

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Issued under authority of Decision 91-02-014,  
dated February 6, 1991, of the Public Utilities Commission of  
the State of California in Applications 90-09-045 and 90-11-039.

I N D E X

	<u>Page</u>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS .....	2
SECTION II. SERVICE AREAS .....	3
SECTION III. ROUTE DESCRIPTION .....	3

Issued by California Public Utilities Commission.

Decision 91-02-014, Applications 90-09-045 and 90-11-039.



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

This certificate supersedes all passenger stage operative authority granted to Behzad Fatemi.

South Bay Airport Shuttle, Inc., a California corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between the cities in Santa Clara County, \*certain points in the counties of San Mateo and Alameda as described in Section II, on one hand, and the San Francisco (SFO), San Jose (SJC), and \*Oakland (OAK) International Airports, on the other hand, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. 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 each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having a point of origin or destination at either SFO, SJC, or \*OAK.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREAS.

Cities in the County of Santa Clara.

\*Cities and Communities in San Mateo County

Atherton, Belmont, Brisbane, Burlingame,  
Colma, Daly City, East Palo Alto, Foster  
City, Half Moon Bay, Hillsborough, Menlo  
Park, Millbrae, Pacifica, Portola Valley,  
Redwood City, San Bruno, San Mateo, South  
San Francisco, and Woodside.

\*Cities and Communities in Alameda County

Alameda, Albany, Berkeley, Dublin,  
Emeryville, Fremont, Hayward, Livermore,  
Newark, Oakland, Piedmont, Pleasanton,  
and San Leandro.

SECTION III. ROUTE DESCRIPTION.

Commencing from any city or community listed in  
Section II to either SFO, SJC or \*OAK.

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