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Decision 91-02-034 February 21, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 URI DARVISH dba GOLD SHUTTLE for )  
 authorization to operate a passenger )  
 stage between certain portions of )  
 Los Angeles, and Orange counties on )  
 one hand and Los Angeles )  
 International Airport (LAX), Burbank )  
 Airport (BUR), Long Beach Airport, )  
 John Wayne Airport, L.A. AMTRAK )  
 (AMT) Station, Los Angeles, and Long )  
 Beach harbors on the other hand. )

**ORIGINAL**

Application 90-09-027  
(Filed September 17, 1990)

Ahmed M. Abdallah, Attorney at Law, for Uri  
 Darwish, applicant.  
Sheryl L. Meshack, Attorney at Law, for Los  
 Angeles Department of Airports,  
 protestant.  
MacDonald Ebi Esule, for the Transportation  
 Division.

O P I N I O N

Uri Darwish (applicant), an individual doing business as Gold Shuttle & Tours, requests 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 and Los Angeles, on the one hand, and Los Angeles International Airport, Burbank Airport, Long Beach Airport, John Wayne Airport, Los Angeles AMTRAK Station, and Los Angeles and Long Beach Harbors, on the other hand.

A protest having been filed by the Los Angeles Department of Airports (LADOA), a duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Los Angeles on December 5, 1990, and the matter was submitted.

Applicant's Evidence

Applicant has been operating under authority of a charter-party carrier permit issued March 27, 1990. He has one van and transports 20 to 30 passengers per week, on average.

Applicant proposes to expand his present operation, when authorized by the Commission and by LADOA, to perform on-call door-to-door shuttle service utilizing 15 new vans. He presented statements from financial institutions showing approximately \$200,000 cash in bank. A balance sheet attached to the application shows total assets of \$966,000 and liabilities of \$243,000.

The application 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).

LADOA's Evidence

Applicant and LADOA stipulated that the evidence presented by LADOA in Application 89-10-033, filed October 23, 1989, and reviewed and discussed in D.90-08-011, August 8, 1990, would constitute LADOA's showing in this proceeding. We accordingly adopt those sections in D.90-08-011 entitled "LADOA's Evidence" and "Airport Congestion."

Discussion

Applicant's experience as a charter party carrier demonstrates that he has the requisite driving and shuttle operation experience necessary to continue and expand his transportation service.

Applicant has adequate financial resources to support the acquisition of new vans.

Need for applicant's 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.

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 the evidence in this case shows the expansion of an existing service, the order should be effective on the 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 Uri Darwish (applicant), authorizing him to operate as a

passenger stage corporation, as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in Appendix PSC-6856, to transport persons, baggage, and/or express.

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 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 February 21, 1991, at San Francisco, California.

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

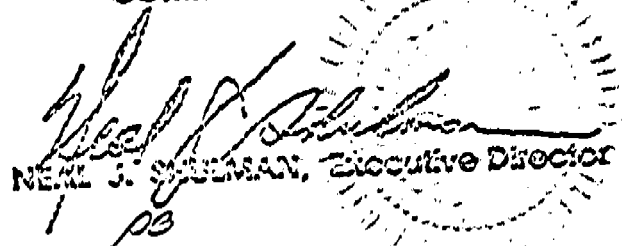
I abstain.

DANIEL WM. FESSLER  
Commissioner

I abstain.

NORMAN D. SHUMWAY  
Commissioner

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

  
NEIL J. SHULMAN, Executive Director  
PB

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC-6856  
TO OPERATE AS  
PASSENGER STAGE CORPORATION

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

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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 91-02-034, dated  
February 21, 1991 of the Public Utilities Commission of the  
State of California in Application 90-09-027.

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

Uri Darwish, 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 baggage between certain points in the counties of Los Angeles and Orange, described in Section 2, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Long Beach Airport (LGB), John Wayne Airport (SNA), Los Angeles Amtrak Station, 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 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, SNA, Los Angeles Amtrak Station, or Los Angeles and 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

Los Angeles County

Includes all points within the geographical limits of Los Angeles County.

Orange County

Includes all points within the geographical limits of Orange County.

SECTION 3. ROUTE DESCRIPTIONS

On-Call, Door-to-Door Service

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

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