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APR 10 1991

Decision 91-04-016 April 10, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Sami Shabaan, dba E Z Way Out)
Shuttle Service of Hayward, for)
authority to operate as a passenger)
stage corporation between points in)
Stanislaus, Contra Costa, Alameda,)
and Sonoma Counties and the Oakland)
International Airport.)

ORIGINAL

Application 90-11-034
(Filed November 20, 1990)

OPINION

Sami Shabaan, doing business as E Z Way Out Shuttle Service of Hayward (applicant), seeks a certificate of public convenience and necessity (CPCN) to operate passenger stage service between Oakland International Airport (OAK) and points in the cities of Turlock, Modesto, Pleasanton, Oakland and Santa Rosa, as well as other points in Contra Costa and Alameda Counties. Authority is sought under Public Utilities Code § 1031.

Notice of the filing of the application appeared in the Commission's Daily Calendar on November 27, 1990. No protests to the application have been received.

Applicant proposes daily van service on four routes, carrying only persons originating at or destined to OAK.¹ Regularly scheduled service would be offered between OAK and points in Pleasanton, Modesto, and Turlock. On-call service is proposed between OAK and downtown Oakland, Emeryville and Berkeley; between

¹ Applicant's exhibits show two additional routes, one between Oakland Airport and San Francisco Airport and another between Oakland Airport and downtown San Francisco hotels. Upon inquiry by staff, applicant stated that these two routes were inadvertently included in the exhibits. Applicant in writing has asked that these two routes be deleted from the exhibits.

OAK and Concord, Walnut Creek, Lafayette, Orinda, Emeryville, Albany, Richmond, El Cerrito, San Ramon, Hayward and Fremont; and between OAK and Santa Rosa. Fares would range from \$26 between OAK and Turlock, to \$8 between OAK and downtown Oakland hotels, with certain discounts for seniors and children.

The service will be operated with two 7-passenger 1990 vans and one 10-passenger 1985 van, each garaged, serviced and maintained at applicant's vehicle service facility in Hayward. Applicant states that each vehicle will have liability insurance in amounts in excess of the minimum required under General Order 101-E.

Applicant has filed a balance sheet and other exhibits to show that it has the ability, equipment, and financial resources to perform the proposed service. Applicant states that its service will have no significant adverse effect upon the environment, and in fact will contribute to the environment by reducing the number of private vehicles on the road. Applicant states that public convenience and necessity will be served because its transportation will fill a need not otherwise met, and it attaches to its application a letter from the Port of Oakland supporting the proposed service.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. No protests to the application have been filed.
3. It can be seen with certainty that the proposed service will have no significant adverse effect on the environment.
4. Applicant has demonstrated a public need for the service proposed in its application. Accordingly, this order should be effective immediately.
5. A public hearing is not necessary.

Conclusions of Law

Public convenience and necessity have been demonstrated, and a certificate should be granted to applicant.

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. A certificate of public convenience and necessity is granted to Sami Shabaan, doing business as E Z Way Out Shuttle Service of Hayward (applicant), authorizing applicant 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-6995, 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 the 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.

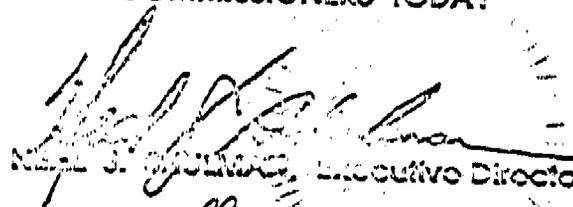
4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that applicant's evidence of insurance is on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.
This order is effective today.

Dated April 10, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


Norman D. Shumway, Executive Director
PO

Appendix PSC-6995

Sami Shabaan

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-6995

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

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.

Issued under authority of Decision 91-04-016,
dated April 10, 1991, of the Public Utilities Commission of
the State of California in Application 90-11-034.

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

Sami Shabaan, an individual, 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" and scheduled basis, between the points described in Section II, and Oakland International Airport (OAK), over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the routes 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 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.

Issued by California Public Utilities Commission.

Decision 91-04-016, Application 90-11-034.

SECTION II. SERVICE AREAS.

The cities of Turlock, Modesto, and Santa Rosa

Cities and communities in the County of Alameda
Oakland, Emeryville, Berkeley, Albany,
Hayward, Pleasanton, and Fremont.

Cities and communities in the County of
Contra Costa
Concord, Walnut Creek, Lafayette, Orinda,
Richmond, El Cerrito, and San Ramon.

SECTION III. ROUTE DESCRIPTIONS.

SCHEDULED SERVICE

Route 1 - Turlock - Modesto - Pleasanton - OAK

Commencing from Oakland International Airport to:

Holiday Inn, Dublin Canyon Road - Pleasanton
Holiday Inn, Sisk Road - Modesto
Adventure Travel, E. Main Street - Turlock
The Gardens, Pedras and Devinyon Roads - Turlock

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SECTION III. ROUTE DESCRIPTIONS (Continued).

ON -CALL SERVICE

Route 1 - Cities and communities in the County of Alameda
Commencing from Oakland International Airport then to any point
or place in Oakland, Emeryville, and Berkeley.

Route 2 - Cities and communities in Contra Costa and
Alameda counties
Commencing from Oakland International Airport then to any point
or place in Concord, Walnut Creek, Lafayette, Orinda, Berkeley,
Emeryville, Albany, Richmond, El Cerrito, San Ramon, Hayward, and
Fremont.

Route 3 - Santa Rosa - OAK
Commencing from Oakland International Airport then to Santa
Rosa.

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