

APR 24 1991

Decision 91-04-047 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Kamran Chitgar for a)
 certificate of public convenience)
 and necessity to operate as a)
 passenger stage corporation between)
 the Counties of Contra Costa and)
 Santa Cruz and San Francisco)
 International Airport and Oakland)
 International Airport.)

ORIGINAL

Application 90-12-030
 (Filed December 13, 1990;
 amended February 1 and
 February 25, 1991)

OPINION

Kamran Chitgar, doing business as Express Airport Shuttle (applicant), proposes to add new routes to his existing passenger stage certificate (PSC-5957).

Applicant originally proposed to offer new service between points in the Counties of Contra Costa, Santa Cruz, and Alameda, on the one hand, and Oakland International Airport (OAK) and San Francisco International Airport (SFO), on the other hand.

Santa Cruz Transportation (protestant) filed a motion to dismiss the application and a protest. Protestant contended that it is providing extensive service between points in Santa Cruz County and SFO. Applicant thereupon filed his first amendment withdrawing his request to serve Santa Cruz County. In response the protest was withdrawn.

The second amendment updated applicant's equipment list and financial statement to meet objections from Transportation Division. The amendment also removed OAK as a point of service.

On March 7, 1991, staff recommended that the application, as amended, be granted by ex parte order.

Applicant allegedly has the ability, equipment, and financial resources to perform the proposed service. Public convenience and necessity allegedly require the institution of the proposed service. It is further alleged that it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.

2. The only protest has been withdrawn.

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. Since there are currently no protests, this order should be effective immediately.

5. Notice of filing of the application appeared in the Daily Transportation Calendar on December 18, 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 are no protests, other than the one described above, which has been withdrawn.

Conclusions of Law

1. A public hearing is not necessary.

2. 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. The certificate of public convenience and necessity granted to Kamran Chitgar, an individual, authorizing him to operate as a passenger stage corporation, as defined in Public Utilities Code § 226, to transport persons and baggage, between the points and over the routes set forth in Appendix PSC-5957 of Decision 89-12-012, as amended, is further amended by replacing First Revised Pages 2 and 3 with Second Revised Pages 2 and 3.

2. Applicant shall:

- a. File a written acceptance of this amended 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 Public Utilities 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.

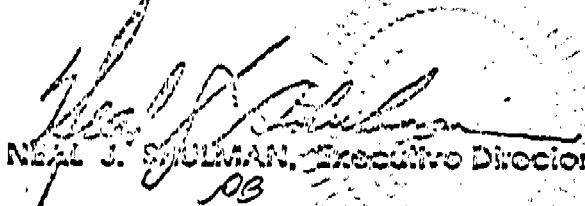
4. The application is granted as set forth above. This is a final order.

This order is effective today.

Dated April 24, 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


Neal J. SULLIVAN, Executive Director

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

Kamran Chitgar, by the certificate of public convenience and necessity granted by the *revised decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between Santa Clara, San Francisco, *Contra Costa, and *Alameda counties, on the one hand, and certain airports, on the other hand, as described in Section II, and 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 either San Francisco, Oakland, or San Jose International Airports.
- 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.

*Revised by Decision 91-04-047, Application 90-12-030.

SECTION II. SERVICE AREAS.

Counties of Santa Clara, San Francisco, *Contra
Costa, and *Alameda.

Airports

San Francisco International Airport (SFO)
Oakland International Airport (OAK)
San Jose International Airport (SJC)

SECTION III. ROUTE DESCRIPTIONS.

Route 1. Commencing from any point in the County of
Santa Clara to SFO.

Route 2. Commencing from any point in the County of
Santa Clara to OAK.

Route 3. Commencing from any point in the County of
Santa Clara to SJC.

Route 4. Commencing from any point in the City and
County of San Francisco to SFO.

*Route 5. Commencing from any point in the counties of
Contra Costa and Alameda to SFO.

Issued by California Public Utilities Commission.

*Revised by Decision 91-04-047, Application 90-12-030.