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Decision 92-02-053 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
M & M Luxury Shuttle, Inc., for  
authority to operate as a passenger  
stage corporation between points in  
the City and County of San  
Francisco, County of San Mateo, and  
the San Francisco International  
Airport.

**ORIGINAL**  
Application 91-10-017  
(Filed October 9, 1991)

O P I N I O N

M & M Luxury Shuttle, Inc. (applicant), a California corporation, requests authority under Public Utilities (PU) Code § 1031, et seq. to operate as a passenger stage corporation for the transportation of persons and baggage between points in the City and County of San Francisco and the County of San Mateo, on the one hand, and San Francisco International Airport, on the other hand.

Applicant proposes to perform an on-call, door-to-door airport shuttle service utilizing, initially, two van-type vehicles--a 1989 7-passenger Dodge van and a 1990 7-passenger Ford van.

The application states that applicant's two stockholders, Mostafa Tehrani and Morteza Hajian, will contribute the two vans and advance \$20,000 in cash to the corporation to commence the proposed service. They will provide additional funds as may be required. Individual financial statements attached to the application support the incorporators' pledges.

This application appeared on the Commission's Transportation Calendar on October 22, 1991, and no protests have been received.

An Advice of Participation was filed by the Transportation Division on December 30, 1991, stating in part, as follows:

"This application requests new PSC authority to serve San Francisco International Airport from San Francisco and from San Mateo County north of Route 92. Staff reviewed the application and found it deficient. By letter dated December 12, 1991, applicant provided information to correct these deficiencies.

"Staff recommends that the application be granted by ex parte order. This application is not affected by Resolution TEA-1. This resolution, in part, ordered that, "A moratorium is declared during which no action will be taken to approve any application received after November 6, 1991. . . to operate a passenger stage corporation at Los Angeles International Airport or San Francisco International Airport."

#### Findings of Fact

1. Applicant has the ability, equipment, and financial resources to perform the proposed service.
2. As no protests have been filed, this order should be effective immediately.
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.

#### Conclusions of Law

1. Public convenience and necessity have been demonstrated, and a certificate should be granted to applicant.
2. A public hearing is not necessary.

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 M & M Luxury Shuttle, Inc. (applicant) authorizing it 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-7614, 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 tariff timetables within 120 days after this order is effective.
- c. State in its tariffs and timetable when service will start; allow at least 10 days' notice to the Commission; and make timetable 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 its 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. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

6. The application is granted as set forth above.

This order is effective today.

Dated February 20, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
JOHN B. OHANIAN  
NORMAN D. SHUMWAY  
Commissioners

Commissioner Patricia M. Eckert,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC-7614  
TO OPERATE AS  
PASSENGER STAGE CORPORATION

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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 by California Public Utilities Commission.

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

M & M Luxury Shuttle, Inc. 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 points described in Section II, and San Francisco International Airport (SFO), over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify the route 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 SFO.
- 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.**

- A. City & County of San Francisco
- B. Foster City
- C. Points in San Mateo County north of Route 92.

**SECTION III. ROUTE DESCRIPTION.**

**ON-CALL SERVICE**

Commencing from any service point as described in Section II, then over the most convenient streets and highways to San Francisco International Airport.

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