

JUN 4 1992

Decision 92-06-028 June 3, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Samia A. Shabaan,
 dba EZ Way Out Shuttle Service, to
 reflect amendments requesting
 authority to operate as a passenger
 stage corporation between points in
 Contra Costa, Alameda, San Joaquin,
 San Mateo, and San Francisco
 counties, including San Francisco
 International Airport.

ORIGINAL

) Application 91-09-042
) (Filed September 23, 1991;
) amended October 4, 1991
) and February 7, 1992)
)
)
)

INTERIM OPINION

Statement of Facts

By Decision (D.) 91-12-007 issued December 4, 1991 in Application (A.) 91-09-042, the Commission nullified an earlier ineffective certificate,¹ and granted a certificate of public convenience and necessity to operate as a passenger stage corporation to Samia A. Shabaan (applicant), doing business as EZ Way Out Shuttle Service. The authority granted was for operations between Oakland International Airport and West Bay points, and the City of Santa Rosa.

While the decision on A.91-09-042 was pending, Shabaan on October 4, 1991 filed what was intended to be an amendment, seeking expansion of the earlier application to embrace additional authority to include scheduled operations between points in San Francisco, San Mateo, and San Joaquin counties. Because the caption failed to conform with various aspects contained in the body of the amendment, the amendment was held rather than delay the

¹ D.91-04-016 issued a certificate inadvertently to applicant's deceased husband.

authority being granted by pending D.91-12-007.² Meanwhile, our Transportation Division staff worked with the applicant's representatives to conform the amendment. These efforts led to the filing of an amendment to the amendment on February 7, 1992.

The February 7, 1992 amendment asks authority to extend existing authorized service to provide:

1. On-call service between various San Francisco zip code locations and the Oakland International Airport;
2. On-call services between San Mateo County cities and the Oakland International Airport, or the San Francisco International Airport;
3. On-call services between Stockton, Manteca, Tracy, and the Oakland International Airport or the San Francisco International Airport; and
4. Scheduled service (a) every two hours between Oakland International Airport and the Sheraton Palace, Grand Hyatt, and Hyatt Wharf Hotels on New Montgomery, Stockton and Northpoint respectively, in San Francisco, and (b) every 1/2 hour between the San Francisco International Airport and the Marriott, Pan Pacific, Sir Francis Drake, and Fairmont hotels on 4th Street, Post, Powell, and Mason respectively, in San Francisco.

Shabaan's initial application listed two eight passenger and two 12 passenger vans in service, and a net worth of \$12,000. The applicant has also introduced letters from the Oakland Airport Manager and the Special Assistant to the Executive Director for

² It developed that Shabaan had "jumped the gun," having begun limited operations in December 1990, before D.91-04-016 had been issued, and continued operations after April 1991 under color of D.91-04-016, before and after A.91-09-042 was filed September 23, 1991.

Surface Transportation, Port of Oakland, supporting the application and stating the "overwhelming requests from hotels, corporations, and general public" for increased scheduled transbay service. The letters ask for expedited ex parte approval.

The instant caption, amended to conform the authorities sought with the October 4, 1991 and February 7, 1992 amendments, and to provide notice, appeared on the Commission's Daily Calendar of April 6, 1992, and on the Commission's Transportation Calendar of April 7, 1992. On May 4, 1992, a protest and request for oral hearing was filed by SFO Airporter, Inc. The protest was to the requested grant of scheduled service between San Francisco International Airport and designated hotels in San Francisco.

Discussion

The applicant's prior service record indicates that its presently authorized service has been well received by the public and Port of Oakland authorities. The fares and charges proposed appear to be reasonable for the proposed transbay service. The Port of Oakland letters both reflect a need for increased transbay services. Accordingly, since public convenience and necessity have been demonstrated for such expanded transbay service, and the applicant has demonstrated she has the ability, equipment, experience, and financial resources to enter upon the expanded transbay service proposed, the requested extended transbay authority should be granted. In view of the delays experienced, the requested transbay extended authority should be granted effective immediately.

However, applicant's request to be granted additional authority to provide scheduled service between the San Francisco International Airport and designated hotels in San Francisco has been protested, and a determination on this portion of the captioned application will be set for hearing.

Findings of Fact

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

2. Public convenience and necessity require the proposed transbay service.

3. It can be seen with reasonable certainty that there is no possibility that the activities in question may have a significant adverse effect on the environment.

4. As these amendments involve only the expansion of an existing service, the order should be effective on date of signing.

Conclusion of Law

Public convenience and necessity have been demonstrated with regard to expanded transbay service and an expanded certificate of public convenience and necessity 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.

INTERIM ORDER

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Samia A. Shabaan (applicant), authorizing her 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-7358, to transport persons and baggage, is amended to add First Revised Pages 1, 2, 3, 4, and Original Pages, which cancel Original Pages 1, 2, 3, and 4.

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 her 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 Order 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 the required by PU Code § 403 when notified by mail to do so.

3. Before beginning service to the San Francisco International Airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on San Francisco International Airport property unless such operations are also authorized by the airport's governing body.

4. Applicant is authorized to begin the expanded operations set forth herein on the date that the Executive Director mails a notice to applicant that her 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. Authority for the requested expanded operating authority is granted as set forth above.

This order is effective today.

Dated June 3, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director

Appendix PSC-7358

Samia A. Shabaan

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Cancels
Original Page 1

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Issued by California Public Utilities Commission.

*Revised by Decision 92-06-028, Application 91-09-042.

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

Samia A. 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, 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, including between San Francisco (SFO) and Oakland (OAK) International Airports, except those having a point of origin or destination at either (SFO) 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.

The Cities of Turlock, *Stockton, *Manteca, *Tracy, 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.

*Cities and communities in the San Mateo County

Brisbane, Daly City, South San Francisco, San Bruno, Pacifica, Millbrae, Burlingame, Hillsborough, San Mateo, Foster City, Belmont, San Carlos, Redwood City, Palo Alto, and Stanford.

*City of San Francisco

Service area is described by U.S. Postal Zip Codes as follows:
94102, 94103, 94104, 94105, 94107, 94108, 94109, 94110, 94111,
94112, 94114, 94116, 94117, 94118, 94121, 94122, 94124, 94129,
94132, 94133, and 94134.

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SECTION III. ROUTE DESCRIPTIONS.

SCHEDULE SERVICE

Route 1 - Turlock - Modesto - Pleasanton - OAK

Commencing from Oakland International Airport, then to the following places:

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

*Route 2 - San Francisco - OAK

Commencing from Oakland International Airport, then to San Francisco to the following places:

Sheraton Palace, Market & New Montgomery;
Grand Hyatt, 345 Stockton St.;
Hyatt-Wharf, Northpoint.

ON-CALL SERVICE

Route 1 - OAK/ Alameda County

Commencing from OAK then to any point or place in Oakland, Emeryville, and Berkeley.

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SECTION III. ROUTE DESCRIPTIONS.

ON-CALL SERVICE*Route 2 - OAK/Contra Costa and Alameda Counties

Commencing from OAK 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 - OAK/Santa Rosa

Commencing from Oakland International Airport then to Santa Rosa.

Route 4 - OAK/San Francisco

Commencing from SFO then to the City of San Francisco as described in Section II.

Route 5 - SFO/ San Mateo County

Commencing from SFO, then to any point or place in San Mateo County as described in Section II.

Route 6 - OAK/ San Mateo County

Commencing from OAK, then to any point or place in San Mateo County as described in Section II.

Route 7 - OAK - SFO /San Joaquin County

Commencing from OAK or SFO, then to any point or place in the cities of Stockton, Manteca, and Tracy. No person or baggage shall be transported between OAK and SFO.

*Transferred from Original Page 4.

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