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Decision 92-11-015 November 6, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Mohammad Shoyookh and Shahriar
Cheshmehzangi for authority to operate
a passenger stage corporation between
points in the City of Anaheim.

ORIGINAL
Application 92-08-041
(Filed August 31, 1992)

O P I N I O N

Mohammad Shoyookh and Shahriar Cheshmehzangi, a partnership doing business as Super Holidays (applicants), request authority under Public Utilities (PU) Code § 1031 et seq. for a certificate of public convenience and necessity to establish and operate a passenger stage corporation between points in the City of Anaheim and Buena Park Mall.

Applicants served its application on government entities and regional transportation planning agencies as required by Commission Rules of Practice and Procedure, Rule 21(k). Notice of the application appeared on the Commission's Daily Calendar on September 3, 1992. No protests have been received. Therefore, a public hearing is not required.

Applicants propose to provide on-call, door-to-door service to specified hotels 12 hours a day on Monday through Friday, 8 hours a day on Saturday, and 6 hours a day on Sunday. Applicants attached as Exhibit A a map of its proposed routes and service areas.

Applicants will operate three 15- to 30-passenger vans in their proposed service. These vehicles will be covered by liability insurance that exceeds \$750,000, the current minimum requirement of General Order 101-E. Applicants will maintain these vehicles in good condition.

Applicants propose to charge rates which are comparable with those of similar services.

Applicants' bank statement indicates \$8,000 cash available.

Applicants currently operate a charter-party service under TCP-7861 which is in good standing. Therefore, applicants possess adequate technical ability to operate a passenger transportation service.

Applicants declare that the availability of this service will benefit the environment and the public by a reduction of private vehicles on the roads and highways within the areas to be served. Therefore, the granting of the authority for the operations sought will have no significant adverse effect upon the environment of the areas to be served.

Applicants assert that public convenience and necessity will be served by the granting of this application because currently there is no passenger stage service to Buena Park Mall. Applicants provide a letter of endorsement of their service by the Buena Park Mall Merchants' Association. Applicants know of no controversy in granting the application.

Applicants request expedited approval of its application.

Findings of Fact

1. Applicants have the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.
3. The rates proposed in the application are reasonable.
4. No protest to the application has been received from any public transit operator serving applicants' proposed territory or any other person or corporation.
5. The proposed service will have no significant effect on the environment.

6. Currently, no similar service exists.

Conclusions of Law

1. Public convenience and necessity require that the requested certificate be granted.

2. Approval of this application should be expedited.

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 Mohammad Shoyookh and Shahriar Cheshmehzangi, doing business as Super Holidays (applicants), authorizing them 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-8106, to transport persons and baggage.

2. Applicants shall:

- a. File a written acceptance of this certificate within 10 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 its 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, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to applicants that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicants' vehicles for service.

5. Applicants 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.

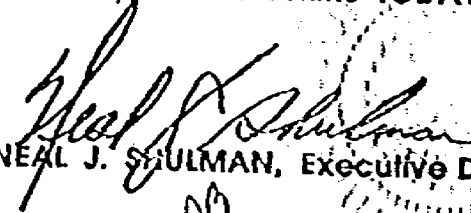
This order is effective today.

Dated November 6, 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

T/MEE/ebi

Appendix PSC-8106

Matthew Shoyookh
and
Shahriar Cheshmehzangi

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC-8106

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 92-11-015, dated
November 6, 1992 of the Public Utilities Commission of the
State of California in Application 92-08-041.

T/MBE/ebi

Appendix PSC-8106

Mathew Shoyookh
and
Shahriar Cheshmehzangi

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Issued by California Public Utilities Commission.

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

Matthew Shoyookh and Shahriar Cheshmehzangi, 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 a regularly scheduled basis, between the "Buena Park Mall" and hotels in the City of Anaheim, described in Section 2, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) This certificate does not authorize the holder to conduct any operation on the property of or into any airport.
- (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 the Buena Park Mall.
- (d) The tariffs and timetables shall show the conditions under which each authorized service will be provided, and shall include the description of the specific scheduled stops.

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SECTION 2. SERVICE AREA DESCRIPTIONS.

City of Anaheim - (Hotels only)

The following hotels within the geographical limits of the City of Anaheim:

1. Sheraton Anaheim
2. Stovall's Inn
3. Jolly Roger Inn
4. Inn at the Park
5. Hilton Towers Anaheim
6. Anaheim Marriott
7. Quality Inn
8. Holiday Inn, Maingate
9. Castle Inn & Suites
10. Anaheim Plaza Hotel
11. Tropicana Inn
12. Ramada Maingate
13. Howard Johnson's

SECTION 3. ROUTE DESCRIPTIONS

Scheduled Service

Commencing at the Buena Park Mall, then via the most convenient streets and highways to the scheduled stops at the hotels described in Section 2.

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