

ORIGINAL

Decision No. 91525 APR 2 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of Kaiser Iqbal (Kaiser Mini Bus
Service) for a Class "B" certificate
to operate as a charter-party
carrier of passengers, Daly City.

Application No. 59337
(Filed December 14, 1979)

Kaiser Iqbal, for himself, applicant.

O P I N I O N

Applicant has requested authority to operate out of Daly City, in San Mateo County, as a Class B charter-party carrier of passengers. The protests of Franciscan Lines, Inc. and Falcon Charter Service were withdrawn after applicant stipulated that his vehicles would carry no more than 25 passengers per unit. One protest was not withdrawn and a public hearing was scheduled and held on February 8, 1980, in San Francisco, before Administrative Law Judge Edward G. Fraser. The remaining protestant failed to appear at the hearing and applicant testified that the protestant had advised him a week prior to the hearing he would not appear and had no further interest in the proceeding.

Applicant will provide service with a 14-passenger 1979 Dodge van and an 18-passenger 1980 Dodge van. Both vehicles are owned by the applicant, although they are not yet completely paid for. He has accounts at Bank Of America and Wells Fargo Bank; his broker is Lamper Insurance of Redwood City. His assets total \$48,000 and liabilities \$33,000, including the sum owing for purchase of the motor vehicles.

Applicant presently holds a permit to operate as a charter-party carrier of passengers under Public Utilities Code Section 5384(b)^{1/} (File No. TCP 1288-P). Applicant will be providing service for foreign tour groups who come to the Bay Area, especially Japanese. His business requires a large van, which is too large to operate under his permit. He has 12 months' experience as a van driver and six months under his charter permit. He has signed a statement that he will not assess or collect individual fares under his charter-party authority and that his rates will be based on time of usage, mileage rates, or a combination of both. Applicant's terminal is located at 150 Coronado Street, Daly City, San Mateo County, California 94015; and he has requested that his service area be extended forty air miles from his home terminal.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 150 Coronado Street, Daly City, San Mateo County, California.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

^{1/} "5384. The commission shall issue permits to..."

* * *

"(b) Carriers using only vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight."

The Commission concludes that the proposed authority should be issued as provided in the following order.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Kaiser Iqbal, authorizing him to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 air miles from applicant's home terminal at 150 Coronado Street, Daly City, California.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulation. Failure to do so may result in cancellation of the operating authority granted by this decision.

Applicant will be required, among other things, to comply with and observe the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order 115-Series.

The effective date of this order shall be thirty days after the date hereof.

Dated APR 2 1980 at San Francisco, California.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Byron
President
Richard L. Stephens
Richard D. Howell
Lawrence W. Smith
Commissioners