

AUG 14 1995

Decision 95-08-027 August 11, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of Salah A. Salem, dba A-11 Shuttle Service, for authority to operate as a passenger stage corporation between points in the San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa Counties and the San Francisco, Oakland and San Jose International Airports.

ORIGINAL

Without such publication, a passenger stage carrier might operate its service in a discriminatory manner. Notice of filing of the application appeared in the

OPINION

Commission's Daily Calendar on January 27, 1995. No protest has been filed. Salah A. Salem, an individual (applicant), requests authority pursuant to Public Utilities Code S 1031, et seq. to establish and operate as a passenger stage corporation, an on-call service to transport passengers and their baggage between points and places in San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand.

Applicant proposes to provide on-call service twenty-four hours per day, seven days a week. Applicant presently is using one seven-passenger 1994 van. Applicant proposes to purchase four additional vans. The unaudited balance sheet as of January 1, 1995 indicates total assets of \$251,500, total liabilities of \$55,000 and equity of \$196,500. The proposed tariff containing the rules and fares are shown in Exhibit "C", attached to his application. The proposed fares are reasonable. Rule 3, under the

No protests to the application have been filed.

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heading "Rules and Regulations", governing the proposed fares
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"Fares to points not named which are intermediate to named points shall be the same as the next most distant named point."

The Commission, in Decision 94-09-018, dated September 1, 1994, addressed this particular rule as: "unacceptable for a passenger stage corporation. A passenger stage carrier is required to publish the exact fares between the specific authorized service points in its tariffs." Without such publication, a passenger stage carrier might operate its service in a discriminatory manner.

Notice of filing of the application appeared in the Commission's Daily Calendar on January 27, 1995. No protest has been received. The applicant notified OAK, SFO, SJC and the affected cities and governmental entities. The Safety and Enforcement Division (Safety) recommends that the application be granted. Applicant is cautioned that before he commences operations, he must submit the rules and regulations governing fares to Safety Division that comply with the Commission's policies for the operations of a passenger stage corporation.

Findings of Fact

1. Applicant requests authority to establish and operate as a passenger stage corporation an on-call service to transport passengers and their baggage between points and places in San Francisco, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, on the one hand, and SFO, OAK, and SJC, on the other hand.

2. Public convenience and necessity require the issuance of a certificate to perform the proposed service.

3. No protests to the application have been filed.

4. Prior to commencement of service, applicant will submit to the Safety Division his rules and regulations governing fares that comply with the Commission's policies for the operations of a passenger stage corporation.

5. 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. A public hearing is not necessary.

2. Public convenience and necessity have been demonstrated and the application should be granted, subject to staff approval of the rules and regulations governing the fares and as set forth in the following order.

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 Salah A. Salem, an individual, (applicant), authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-9493.

- 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 the tariffs and timetable 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 2403 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 shall file tariffs which shall comport with all Commission rules and general orders.

5. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that:

a. His evidence of insurance is on file with the Commission.

b. The California Highway Patrol has approved the use of applicant's vehicles for service.

g. File a written acceptance of this certificate within 30 days after this order is effective.

c. The rules and regulations included in tariff of the applicant are unambiguous and comport with all Commission rules and general orders.

6. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

7. The application is granted as set forth above.

This order is effective today.

Dated August 11, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

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

Wesley Franklin

Acting Executive Director

T/MM

Appendix PSC-9493

Salah A. Salem
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-9493

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 95-08-027, dated August 11, 1995, of
the Public Utilities Commission of the State of California in
Application 95-01-027.

T/MM

Appendix PSC-9493

Salah A. Salem
(an individual)

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Issued by California Public Utilities Commission.

Decision 95-08-027, Application 95-01-027.

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

Salah A. Salem, 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" basis, between the points described in Section II, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand, 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 either a point of origin or destination at SFO, OAK, or SJC.
- 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.

Counties

San Francisco, San Mateo, Santa Clara,
Alameda, and Contra Costa.

SECTION III. ROUTE DESCRIPTION.

ON -CALL SERVICE

Commencing from any point or place located in the
counties described in Section II then over the most convenient streets
and highways to either SFO, OAK, or SJC.

Issued by California Public Utilities Commission.

Decision 95-08-027, Application 95-01-027.