

AUG 11 1995

Decision 95-08-033 August 11, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Quake City Shuttle,)
Inc. A California Passenger Stage)
Corporation, to Transfer Control)
From Richard C. Pohl to Dmitry)
Litichevsky, Vladimir Shapiro)
and Naum Vaksman.)

Application 95-05-053
(Filed May 19, 1995)

ORIGINAL

O P I N I O N

Quake City Shuttle, Inc., a California corporation (Quake City), requests authority for a transfer of control of its passenger stage certificate (PSC-9682), pursuant to Public Utilities Code § 851 et seq.

Richard C. Pohl (Seller) owns all of the thirty (30) outstanding shares of Quake City. Seller entered into a Sales Agreement with Dmitry Litichevsky, Vladimir Shapiro and Naum Vaksman (Buyers) wherein the agreed purchase price for all the outstanding shares is in the amount of \$103,500. The terms of agreement are \$75,000 to be paid as down payment at or before closing and the sum of \$28,500 to be paid in twelve consecutive monthly payments with interest at seven percent per annum.

Quake City is authorized to operate as a passenger stage corporation, as described in PSC-9682, of Decision (D.)95-04-060, between the City and County of San Francisco and San Francisco International Airport (SFO). The Buyers (PSC-9428), other than Naum Vaksman, have similar authority as

Quake City and additionally, serve Oakland International Airport (OAK).

In a letter dated June 5, 1995, addressed to the applicant, the Safety and Enforcement Division (Safety) expressed its concern that the above similar authorities controlled by the buyers under two different entities will create administrative and regulatory confusion and may cause a conflict of interest that may require Commission intervention. On June 14th, Counsel for the operator of PSC-9428 submitted a letter to the staff that their authority may be placed under suspension for a year and be reactivated only for the purpose of transfer or for reversion if the operators of PSC-9428 become disassociated from Quake City.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 6, 1995. No protest has been received. The Commission's Safety and Enforcement Division recommends that this application be granted.

Findings of Fact

1. Quake City is operating as a passenger stage corporation pursuant to a certificate of public convenience and necessity described in PSC-9682 of D.95-04-060.
2. Richard Pohl who owns all of the outstanding shares of Quake City proposes to sell all of the shares to the Buyers at the agreed purchase price of \$103,500.
3. The buyers will control two similar authorities under different entities that will create administrative and regulatory

confusion and may cause a conflict of interest between the buyers.

4. The operators of PSC-9428 agree to place the authority under voluntary suspension for a period of one year. This authority may be reactivated only for the purpose of transfer or in the event the operators of PSC-9428 disassociate from Quake City.

5. No protests to the application have been filed.

6. The proposed sale will not be adverse to the public interest.

Conclusions of Law

1. The proposed sale is in the public interest and should be authorized. A public hearing is not necessary.

2. Since the operators of PSC-9428 agree to place the authority under voluntary suspension the application is noncontroversial, the order should be made effective on the date it is signed.

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. Pursuant to Public Utilities (PU) Code § 851 et seq., Dmitry Litichevsky, Vladimir Shapiro and Naum Vaksman (Buyers) are authorized to acquire and control Quake City Shuttle, Inc., through the purchase of all the outstanding shares of stock in the corporation from Richard Pohl.

2. Within fifteen (15) days of the date the transaction closes, Buyers shall notify the Safety and Enforcement Division in writing thereof.

3. The certificate of public convenience and necessity to operate as a passenger stage corporation, as described in PSC-9682 of Decision 95-04-060, is placed under voluntary suspension until September 1, 1996. This certificate is revoked on September 2, 1996 unless it has been transferred or exercised on or before September 1, 1996.

4. The authority granted by this order shall lapse unless it is exercised on or before October 1, 1995.

This order is effective today.

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

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

Wealey Franklin

Acting Executive Director

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