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Decision 95-11-049 November 21, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Trans-American Intermodal, Inc., an Arizona corporation, doing business as Trans-American Express, to transfer a Certificate of Public Convenience and Necessity to operate as a passenger stage between points in Orange, Los Angeles, San Bernardino and Riverside Counties on the one hand, and Los Angeles International Airport, John Wayne Airport, Burbank Airport, Long Beach Airport, Ontario Airport, and the Long Beach and Los Angeles Harbors, on the other hand to Diana Tam & Sylvia Bustani, a Partnership doing business as A-1 Ontario Express.

Application 95-05-065
 Filed May 30, 1995

OPINION

According to the application, the two partners of A-1 Trans-American Intermodal, Inc., an Arizona corporation, duly qualified to do business in California, doing business as Trans-American Express (transferor) and Diana Tam & Sylvia Bustani, a partnership, doing business as A-1 Ontario Express (transferee), seek to transfer from transferor to transferee, their certificate of public convenience and necessity (CPC&N PSC-4554) which was issued to transferor by Decision (D.) 91-11-043 and D. 91-12-067.

The CPC&N issued to transferor by D. 91-11-043, as amended, (PSC-4554) authorized it to operate as a passenger stage corporation for transportation of persons and baggage between points in Los Angeles, San Bernardino, Riverside, and Orange

150 van it currently owns. Transferee proposes to lease additional vehicles once the transfer is approved by the Commission.

The staff of Safety and Enforcement Division has reviewed the application and recommends that the requested transfer be

1 D. 91-12-067 corrected an omission in D. 91-11-043.

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Counties, on the one hand, and Los Angeles International Airport, Burbank Airport, Long Beach Airport, John Wayne Airport, Ontario Airport, and Los Angeles and Long Beach Harbors, on the other hand. Transferor's certificate to operate as a passenger stage corporation has been in voluntary suspension since May 5, 1994. Transferor has requested the Safety and Enforcement Division to reinstate its certificate.

Transferee is a partnership formed in May 1995 to conduct business of ownership, operation, and management of airport shuttle van and charter transportation business and any other related or unrelated legal endeavor authorized consistent with the provisions of the Uniform Partnership Act of California. The legal name and mailing address of the transferee is as follows:

Diana Tam & Sylvia Bustani, a partnership
 doing business as A-1 Ontario Express
 916 No. Glenn Avenue
 Ontario, CA 91764

According to the application, the two partners of A-1 Ontario Express have approximately 10 years of experience in the airport van shuttle business. Diana Tam until recently worked for one of the major van airport shuttle companies as an order taker and dispatcher. Transferee also plans to employ Diana Tam's father, who has 7 years of experience in the business as operations manager.

Transferee's balance sheet which is attached as Exhibit A to the application shows transferee's net worth as of April 11, 1995 to be \$110,450.

Transferee plans to provide the same service transferor provided in the past. Transferee plans to begin its service with a Dodge Ram 150 van it currently owns. Transferee proposes to lease additional vehicles once the transfer is approved by the Commission.

The staff of Safety and Enforcement Division has reviewed the application and recommends that the requested transfer be

approved ex parte, subject to reinstatement of transferor's operating authority (PSC-4554) H D R O

The proposed transaction will not have an adverse effect upon the environment nor upon other existing carriers. The net result of approving the transfer will simply result in a personnel change in the management of the business and will not adversely impact other carriers in the area concerned nor the general public.

Notice of the filing of the application was published in the Commission's Daily Calendar of June 15, 1995. No protests to the proposed transfer have been filed.

Findings of Fact

1. The public will not be adversely affected by the granting of the authority to transfer the certificate.
2. The transferee has the ability and financial resources to perform the service to be transferred.
3. Transferor's CPC&N to operate as a passenger stage corporation is in voluntary suspension.
4. The staff of Safety and Enforcement Division recommends that the requested transfer be approved, subject to reinstatement of transferor's operating authority.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized, subject to reinstatement of transferor's operating authority. A public hearing is not necessary.

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.

- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.

approved or party, subject to reinstatement of transferor's

ORDER

The proposed transferor will not have an adverse effect

IT IS ORDERED that, upon the environment not upon other factors. **Within 180 days** from the effective date of this order, Trans-American Intermodal, Inc. doing business as Trans-American Express (transferor), may transfer the operative rights and property specified in the application to Diana Tam and Sylvia Bustani, a partnership (transferee) and the Commission.

2. Transferor shall reinstate its operating authority as a passenger stage corporation granted by PSC-4554 before transferor transfers its operating rights to transferee.

3. Transferee shall file with the Safety & Enforcement Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.

b. Amend or reissue transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days notice to the Commission.

c. Comply with the General Order Series 101, 104, 158, and the California Highway Patrol (CHP) safety rules.

d. File an annual report of transferor's operations for the period from the first day of the current year to the date of transfer.

e. Maintain accounting records in conformity with the Uniform System of Accounts.

f. Remit to the Commission the Transportation Reimbursement Fee required by Public Utilities (PU) Code § 403 when notified by mail to do so.

4. If the transfer is completed, on the effective date of transferee's tariffs, a certificate of public convenience and necessity (CPC&N) is granted to transferee authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-9974, to transport persons and their baggage.

5. Operations may begin on the date that the Executive Director mails a notice to transferee that its evidence of insurance is on file with the Commission and that the CHP has approved the use of transferee's vehicles and terminal for service.

6. The CPC&N granted by Decision (D.) 91-11-043, as amended, is revoked on the effective date of transferee's tariffs.

This order becomes effective 30 days from today.

Dated November 21, 1995, at San Francisco, California.

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

Appendix PSC-9974 Diana Tam and Sylvia Bustani Original Title Page
(a partnership)

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-9974

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.

Supersedes authority heretofore granted to
Trans-American Intermodal, a corporation
by D.91-11-043.

Issued under authority of Decision 95-11-049, dated
November 21, 1995, of the Public Utilities Commission of
the State of California in Application 95-05-065.

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(a partnership)

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS (continued).

This certificate supersedes all passenger stage operative authority granted to Trans-American Intermodal, a corporation.

Diana Tam and Sylvia Bustani, a partnership, 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 points and places, as described in Section IIA, on the one hand, and the points as described in Section IIB, 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 description is given in one direction, it applies 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 provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those have a point of origin or destination at either one of the points described in Section IIB.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS (concluded).

- 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.

SECTION II. SERVICE AREA.

- A. All points within the geographical limits as follows:
Counties of Los Angeles and Orange.
Cities or communities of Chino, Ontario, Montclair, Guasti Upland, Rancho Cucamonga, Alta Loma, Etiwanda, Fontana, Rialto, Bloomington, Colton, Loma Linda, Bryn Mawr, Redlands, Yucaipa, Patton, Highland, Mentone, San Bernardino, Hesperia and Victorville, located in the County of San Bernardino.
Cities or communities of Corona, Mira Loma, Norco, Riverside, Perris, Moreno Valley, Lake Elsinore, Romoland, Sun City, Nuevo, San Jacinto, Lakeview, Calimesa, Beaumont, Banning, Hemet, Homeland, Palm Springs and Cathedral City.
- B. Los Angeles International Airport
Burbank Airport
Long Beach Airport
John Wayne Airport
Ontario International Airport
Los Angeles/Long Beach Harbors

SECTION III. ROUTE DESCRIPTION.

Commencing from any point or place, as described in Section IIA, then over the most convenient streets and highways to any point, as described in Section IIB.

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