

DEC 18 1995

Decision 95-12-035 December 18, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 Shibli Azar of So. San Francisco, dba)
 Azar Airport Shuttle for certificate)
 of public convenience and necessity)
 to operate as a Passenger Stage)
 Corporation between San Francisco,)
 San Mateo, and Santa Clara Counties,)
 and the San Jose and San Francisco)
 International Airports, in California.)

ORIGINAL

Application 95-09-066
(Filed September 28, 1995)

OPINION

The applicant is Shibli Azar (applicant), an individual, requests authority pursuant to Public Utilities Code § 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 the Counties of San Francisco, San Mateo, and Santa Clara, on the one hand, and San Francisco (SFO) 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 proposes to use two seven-passenger vans. The unaudited balance sheet as of September 25, 1995, indicates total assets of \$910,000 and net worth of \$910,000. The proposed tariff containing the rules and fares are shown in Exhibits "A" and "B", attached to his application. The proposed fares are reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 26, 1995. No protest has been received. The applicant notified SFO, SJC, and the affected cities and governmental entities. The Safety and Enforcement Division recommends that the application be granted.

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 the Counties of San Francisco, San Mateo, and Santa Clara, on the one hand, and SFO 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. 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.

3. Since there is no protest to this application and there is a need for the proposed service, this decision should be effective today.

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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Shibli Azar (applicant), an individual, 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-10140.

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 (CHP) 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 § 403 when notified by mail to do so.
- g. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

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 is authorized to begin operations on the date that the Executive Director mails a notice to applicant that his evidence of insurance is on file with the Commission and that the CHP has approved the use of applicant's vehicles for service.

7. The application is granted as set forth above.
This order is effective today.

Dated December 18, 1995, at San Francisco, California.

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

T/MM

Appendix PSC-10140

Shibli Azar
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10140

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 95-12-035, dated December 18, 1995,
of the Public Utilities Commission of the State of California in
Application 95-09-066.

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Issued by California Public Utilities Commission.

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

Shibli Azar, 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 "on-call" basis, between the points described in Section IIA, on the one hand, and the airports described in Section IIB, on the other hand, and between the airports described in Section IIB, over and along the routes 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 SJC or SFO.
- 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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Appendix PSC-10140

Shibli Azar
(an individual)

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SECTION II. SERVICE AREA.

- A. The counties of Santa Clara, San Mateo, and San Francisco.
- B. San Francisco International Airport (SFO)
San Jose International Airport (SJC)

SECTION III. ROUTE DESCRIPTION.

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

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