

AUG 04 1997

Decision 97-08-043 August 1, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Econo-Ride Enterprises, Inc., )  
 a California Corporation, doing )  
 business as Econo-Ride, to purchase )  
 and acquire a certificate of public )  
 convenience and necessity to operate )  
 as a passenger stage between points )  
 in Ventura, Los Angeles and )  
 Orange Counties, on the one hand, and )  
 Los Angeles International Airport, )  
 John Wayne Airport, Ontario Airport, )  
 Burbank Airport, and Long Beach )  
 Airport, on the other hand, )  
 pursuant to § 854 of the )  
 Public Utilities Code. )

Application 96-03-005  
 (Filed March 4, 1996)

**ORIGINAL**

O P I N I O N

This application of Econo-Ride Enterprises, Inc., doing business as Econo-Ride, filed on March 4, 1996, seeks authority to purchase and acquire a certificate of public convenience and necessity to operate as a passenger stage corporation between points in Ventura, Los Angeles, and Orange Counties and Los Angeles International, John Wayne, Ontario International, Burbank International, and Long Beach Airports. Econo-Ride had reached an agreement with Isam Alziq, an individual doing business as E-Z Shuttle, wherein upon Commission approval, the passenger stage operating rights and equipment of Alziq would be transferred to Econo-Ride. Alziq had voluntarily suspended his operations in November 1995, according to the application.

On May 30, 1996, E-Z Shuttle protested the application stating that on March 10, 1996, it informed Econo-Ride that it has rescinded the agreement between the parties, due to Econo-Ride breaching it by not complying with its terms.

On June 6, 1996, Econo-Ride filed a Notice of Motion and Motion to Dismiss requesting that the Commission either set the matter for hearing, or strike E-Z Shuttle's protest of May 30, 1996 and grant the application in its entirety. This motion was based on several grounds, including E-Z Shuttle's alleged transferring the authority without requisite Commission approval to a party other than Econo-Ride.

On June 17, 1996, E-Z Shuttle filed an opposition to Econo-Ride's motion to dismiss, and requested a hearing. Various allegations were made, including forgeries of documents by Econo-Ride.

On December 30, 1996, E-Z Shuttle filed a Motion of Isam Alzig dba E-Z Shuttle for Dismissal of Proceeding, stating that it is no longer willing to proceed with the transaction, and that civil litigation between it and Econo-Ride will be commenced in early 1997. This motion notes that for the Commission to adjudicate the application, there must be both a willing buyer and a willing seller.

On January 6, 1997, Econo-Ride filed a Response to Motion for Dismissal of Proceeding. This document again alleges that E-Z Shuttle violated the Public Utilities Code by transferring or selling its authority without Commission approval, and requests that the matter be heard.

Finally, by filing dated April 22, 1997, E-Z Shuttle presented an Affidavit of Isam Alzig in Support of Dismissal of the Application, and renewed its December 30, 1996 motion for dismissal.

It is apparent that the application as filed cannot go forward since there currently is no longer a willingness and agreement by both parties. The Commission is informed that the parties to the application are currently in litigation in civil court.

Therefore, we will dismiss the application in the order that follows.

We shall require the Rail Safety and Carriers Division to investigate E-Z Shuttle to determine whether it has illegally transferred its authority and, consequently, whether any party who obtained such authority has been operating illegally.

Findings of Fact

1. The parties to this application are no longer in agreement to consummate the transfer.
2. The application cannot be approved without consent of the parties.

Conclusions of Law

1. The application should be dismissed.
2. Rail Safety and Carriers Division should investigate the operations of E-Z Shuttle and any party it has transferred its authority to without prior Commission approval.

O R D E R

IT IS ORDERED that:

1. Application 96-03-005 is dismissed.
2. Rail Safety and Carriers Division shall investigate the operations of E-Z Shuttle and any party it has transferred its authority to without prior Commission approval.

This order is effective today.

Dated August 1, 1997, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners