

Decision 97-11-060 November 19, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Directional Management, Inc., a California Corporation, and Mohammad Ezami-Ebrahimi, an individual, to Transfer a Passenger Stage Certificate of Public Convenience and Necessity pursuant to Section 851 et seq. of the Public Utilities Code.

Application 97-01-016
(Filed January 15, 1997)

ORIGINAL

OPINION

Directional Management, Inc., a California corporation (transferee), and Mohammad Ezami-Ebrahimi, an individual, doing business as Public Shuttle (transferor), seek to transfer from transferor to transferee the certificate of public convenience and necessity (CPC&N PSC-7632) which was issued to transferor by Decision (D.) 92-06-005.

The CPC&N issued to transferor by D.92-06-005 (PSC-7632) authorized it to operate an on-call, door-to-door, transportation service between San Diego International Airport, downtown San Diego, including Santa Fe Amtrak Depot, the Greyhound Bus Terminal and the B Street Cruise Ship Terminal, on the one hand, and various points in San Diego County, on the other hand.

The application was filed on January 15, 1997. On February 10, 1997, the staff of Commission's Rail Safety and Carriers Division informed applicants that the application had certain deficiencies.

In response to staff's letter, applicants filed an amendment to the application which addressed the deficiencies.

On June 3, 1997, Sharam Adhami (protestant) filed a protest to the application on various grounds.

In response to the protest, hearing in the matter was set on September 26, 1997. The hearing was taken off Commission's calendar at the request of protestant.

On September 17, 1997, protestant notified the assigned administrative law judge (ALJ) in writing that protestant was withdrawing his protest to the application.

According to a certificate issued by the Secretary of the State of California, transferee was incorporated in November 1996 as a California corporation. The legal name and mailing of the transferee are as follows:

Directional Management, Inc.
C/O John Barriage, Attorney at Law
960 Grand Ave., 2nd Floor
San Diego, CA 92109

In response to the assigned ALJ's request, applicants provided supplemental data in support of the application.

According to the information provided by applicants, transferee's majority owners and corporate officers also operate another passenger stage corporation, L.A. Express Shuttle (PSC-5038), which demonstrates that transferee has the ability and qualifications to operate a passenger stage corporation.

Transferee proposes to assume and operate transferor's CPC&N and to provide the same service as the service being provided by the transferor.

Transferee's balance sheet which is attached to the application shows transferee's net worth as of November 31, 1996 to be \$138,815.

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 change of ownership and a change in the management of the business and will not adversely impact other carriers in the area concerned nor the general public.

There are no pending protests to the proposed transfer.

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.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized. 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.

O R D E R

IT IS ORDERED that:

1. Within 180 days from the effective date of this order, Mohammad Ezami-Ebrahimi, an individual (transferor), may transfer the operative rights and property specified in the application to Directional Management Inc., a California corporation (transferee).
2. Transferee shall:
 - a. File with the Rail Safety and Carriers 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.

- g. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Comply with the controlled substance and alcohol testing program pursuant to PU Code § 1032.1 and General Order Series 158.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. 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-11452 to transport persons and their baggage.

4. 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.

5. The CPC&N granted by Decision 92-06-005 is revoked on the effective date of transferee's tariffs.

6. Since all issues in Application (A.) 97-01-016 have been addressed, A.97-01-016 is closed.

This order is effective today.

Dated November 19, 1997, at San Francisco, California.

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

T/MM

Appendix PSC-11452 Directional Management, Inc. Original Title Page
(a corporation)

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11452

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
Mohammad Ezami-Ebrahimi, an individual,
by D.92-06-005.

Issued under authority of Decision 97-11-060, dated
November 19, 1997, of the Public Utilities Commission of
the State of California in Application 97-01-016.

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

This certificate supersedes all passenger stage operative authority granted to Mohammad Ezami-Ebrahimi, an individual.

Directional Management, Inc., a corporation, 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 in Section IIA and points and places in Section IIB, 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 rendered and shall include the description of the boundary of each fare zone, except when a single fare is applicable to all points within an incorporated city.
- c. No passengers shall be transported except those have a point of origin or destination as described in Section II.
- 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 AREA.

- A. All points within the geographical limits of San Diego County.
- B. San Diego International Airport
Santa Fe Train Depot (AMTRAK Station), City of San Diego
Greyhound Bus Terminal, City of San Diego
B Street Cruise Ship Terminal, City of San Diego

SECTION III. ROUTE DESCRIPTION.

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

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