

Decision 98-08-021 August 6, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Koushan M. Ashia, doing business as Monterey Bay Super Shuttle, for authority to operate as a passenger stage corporation between points in Monterey, Santa Cruz, and Santa Clara counties and the San Francisco, Oakland and San Jose International Airports, and to establish a zone of rate freedom.

ORIGINAL

Application 97-09-042
(Filed September 24, 1997)

O P I N I O N

Summary

Applicant Koushan M. Ashia, an individual, doing business as Monterey Bay Super Shuttle, requested authority under Public Utilities (PU) Code § 1031 et seq. to establish and operate a passenger stage corporation to transport passengers and their baggage between points in the counties of Monterey, Santa Cruz, and Santa Clara, on one hand, and the San Francisco, Oakland, and San Jose International Airports, on the other hand, and to establish a zone of rate freedom (ZORF). Upon request by the Commission Rail Safety and Carriers Division (staff) to supplement its application to address financing and operational equipment issues or reduce its proposed service territory, applicant amended its application to request authority to serve specified points in Santa Cruz and Santa Clara counties. This amended application and the proposed ZORF are herein granted.

Discussion

Initially, applicant proposed to serve 72 points in the three counties of Monterey, Santa Cruz, and Santa Clara with two 7-passenger vehicles. However,

upon request by staff to either supplement its application to address financing and equipment issues or reduce the proposed service territory, applicant reduced its proposed service territory to points in Santa Cruz and Santa Clara counties north of an imaginary line extending from the western boundary of Santa Clara county at the junction of State Highway 17 and Skyline Boulevard to the eastern boundary of Santa Clara county at Mount Alviso. Staff approves these revisions.

In the amended service territory, applicant proposes to operate an on-call door-to-door passenger stage service 24-hours per day, 7 days per week as shown on Exhibit B attached to the application, excluding the points in Monterey county. Applicant will provide service using one 1992 and one 1993 seven-passenger van. Applicant provides documentation attached to its amendments to show that financing can be obtained to purchase additional vans. Applicant indicates that additional equipment will be purchased as his service grows.

Applicant attaches as Exhibit E to the application an unaudited Balance Sheet dated September 10, 1997. This exhibit discloses the following under penalty of perjury: cash on hand, \$10,000; personal property, \$17,000; vehicles, \$28,000; and real estate, \$100,000; total are \$155,000. Liabilities are listed as notes payable, \$23,000, resulting in a net worth of \$132,000.

Applicant's proposed fares in Exhibit C attached to this application, excluding Monterey county, are in the range \$12 (Santa Clara county to San Jose Airport) to \$39 (Santa Cruz county to San Francisco Airport). These proposed fares are reasonable and within those established for such distances by other airport carriers.

Applicant requests to establish a ZORF of \$8 above and below the proposed rates. Staff believes that this ZORF is reasonable and should be approved.

Applicant has few, if any, competing passenger stage corporations in the amended service territory. It will compete largely with taxis, limousines, buses, and automobiles. Applicant submitted a petition signed by 119 residents in the proposed amended service territory in support in this service.

Notice of the filing of the application in this proceeding appeared on the Commission's Daily Calendar on September 29, 1997. Applicant also notified the affected airports and cities of the filing of the application. No protest has been filed. Staff recommends that the application as amended be granted.

Findings of Fact

1. Applicant requests authority to operate an on-call passenger stage corporation between points in Santa Cruz and Santa Clara counties, on the one hand, and San Francisco, Oakland and San Jose International Airports, on the other hand.

2. Public convenience and necessity require the proposed service.

3. Applicant requests authority to establish a ZORF of \$8 above and below the proposed fares shown in Exhibit C, attached to this application, excluding fares in Monterey county. The proposed ZORF is reasonable.

4. Applicant will compete largely with taxis, limousines, buses and automobiles in his operations.

5. No protests to the application have been filed.

6. A public hearing is not necessary.

7. 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. The application should be granted.

2. Public convenience and necessity have been demonstrated.

3. The request for the ZORF should be granted.

4. Before applicant changes any fares under the ZORF authorized below, applicant shall give this Commission at least 10 days' notice.

5. The filing of ZORF fares should be shown in the tariff between each pair of service points at the high and low ends of the ZORF and the then-currently effective fare.

6. Since this application is uncontested, the decision should be 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Koushan M. Ashia (applicant), an individual, doing business as Monterey Bay Super Shuttle, 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 route set forth in Appendix PSC-11391, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File 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 timetables 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. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- h. Comply with PU Code §§ 460.7 and 1043, relating to the workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized under PU Code § 454.2 to establish a zone of rate freedom (ZORF) of \$8 above and below his proposed fares, as shown in Exhibit C, attached to this application.

4. Applicant shall file a ZORF tariff in accordance with the application on or not less than 10 days' notice to the Commission and to the public and subject to Commission approval. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Applicant may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.

6. In addition to posting and filing tariffs, applicant shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least five days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. 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.

8. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to applicant that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of applicant's vehicles for service.

9. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11391), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The application is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated August 6, 1998, at San Francisco, California.

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

RSCD/MM

APPENDIX A

Appendix PSC-11391

Koushan M. Ashia
(an individual)

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-11391

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 98-08-021, dated August 6, 1998, of the
Public Utilities Commission of the State of California in Application 97-09-042.

RSCD/MM

APPENDIX A

Appendix PSC-11391

Koushan M. Ashia
(an individual)

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Issued by California Public Utilities Commission.

Decision 98-08-021, Application 97-09-042.

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

Koushan M. Ashia, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA, and the airports described in Section IIB, over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a 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.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- 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. Within the geographical limits of the County of Santa Cruz and the part of Santa Clara County that is north of an imaginary line extending from the western boundary of Santa Clara County at the junction of State Highway 17 and Skyline Boulevard to the eastern boundary of Santa Clara County at Mt. Alviso.

- B. San Francisco International Airport.
San Jose International Airport.
Oakland International Airport.

SECTION III. ROUTE DESCRIPTION.

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

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(END OF APPENDIX A)