

Decision 98-08-025 August 6, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA



In the Matter of the Application of Rasmi B. Assaf and Ayman Fadlalla, doing business as Citywide Shuttle and Limousine Service for authority to operate as a passenger stage corporation between points in San Francisco, Santa Clara, Alameda and Contra Costa Counties and the San Francisco, Oakland and San Jose International Airports, and to establish a Zone of Rate Freedom.

Application 98-03-044
(Filed March 27, 1998)

OPINION

Summary

Rasmi B. Assaf and Ayman Fadlalla (applicant), a partnership, doing business as Citywide Shuttle and Limousine Service, request 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 San Francisco, Santa Clara, Alameda, and Contra Costa, on the one hand, and San Francisco (SFO), Oakland (OAK) and San Jose (SJC) International Airports, on the other hand, and to establish a Zone of Rate Freedom (ZORF) pursuant to PU Code § 454.2.

Discussion

Applicant proposes to operate an on-call door-to-door passenger stage service 24 hours per day, 7 days per week. The equipment for the proposed service will initially consist of five vehicles, 3 five-passenger sedans, and 2 seven-passenger vans. Applicant indicates that additional equipment will be obtained as needed after the authority is granted to meet the public's requirements.

Exhibit E, attached to the application, is the unaudited Balance Sheet as of January 20, 1998, that discloses: cash on hand, \$25,000; office equipment, \$12,500; shop equipment and tools, \$300; personal properties, \$22,000; real estate, \$71,000; vehicles, \$82,000; or total assets of \$212,800. There is no provision for depreciation. Liabilities consist of accounts payable, \$1,400, and notes payable, \$51,000. Net worth is \$160,400.

Applicant also requests authority to establish a ZORF of \$8 above and below the proposed fares, with a minimum one-way adult fare of \$4, shown in Exhibit D, attached to the application. The staff is of the opinion that the establishment of the ZORF is fair and reasonable.

Applicant will compete with other passenger stage corporations, taxi cabs, limousines, buses, and automobiles in his service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 1, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-2990 dated April 9, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-2990.

Findings of Fact

1. Applicant requests authority to operate an on-call passenger stage corporation between points in the Counties of San Francisco, Santa Clara, Alameda, and Contra Costa, on the one hand, and SFO, OAK, and SJC International Airports, on the other hand.

2. Public convenience and necessity require the proposed service.

3. Applicant requests authority to establish a ZORF of \$\$ above and below the proposed fares, as shown in Exhibit D, attached to the application. The minimum one-way adult fare will not be less than \$4. The ZORF is fair and reasonable.

4. Applicant will compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its 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 and the application should be granted.

3. The request for a 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 showing between each pair of service points the high and low ends of the ZORF and the then currently effective fare.

6. Since the matter 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 Rasmi B. Assaf and Ayman Fadlalla (applicant), a partnership, authorizing it 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-11734 subject to the conditions contained in the following paragraphs.

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 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 its proposed fares, as shown in Exhibit D, attached to the application. The minimum one-way adult fare shall not be less than \$4.

4. Applicant shall file a ZORF tariff in accordance with the application on 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 5 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 its 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-11734), 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

T/MM

Appendix PSC-11734

Rasmi B. Assaf and Ayman Fadlalla
(a partnership)

Original Title Page

**CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION**

PSC-11734

**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 98-08-025, dated August 6, 1998, of the Public
Utilities Commission of the State of California in Application 98-03-044.**

T/MM

Appendix PSC-11734

Rasmi B. Assaf and Ayman Fadlalla
(a partnership)

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Issued by California Public Utilities Commission.

Decision 98-08-025, Application 98-03-044.

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

Rasmi B. Assaf and Ayman Fadlalla, a partnership, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, are 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.

Issued by California Public Utilities Commission.

Decision 98-08-025, Application 98-03-014.

T/MM

Appendix PSC-11734

Rasmi B. Assaf and Ayman Fadlalla
(a partnership)

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SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of Contra Costa, Alameda, Santa Clara, and San Francisco.

- B. San Francisco International Airport.
Oakland International Airport.
San Jose 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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Decision 98-08-025, Application 98-03-044 .