

Decision 98-09-011 September 3, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Sharaf E. Nosur, Ibrahim N. Abdrahman and Burhan M. Burhan, doing business as Travelers Shuttle Express, for authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Santa Clara and San Mateo Counties and the San Francisco, Oakland and San Jose International Airports, and to establish a Zone of Rate Freedom.

ORIGINAL

Application 97-08-035
(Filed August 14, 1997)

O P I N I O N

Summary

Sharaf E. Nosur, Ibrahim N. Abdrahman and Burhan M. Burhan (applicant), a partnership, doing business as Travelers Shuttle Express, 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, Alameda, Contra Costa, Santa Clara, and San Mateo, 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 originally proposed to operate an on-call door-to-door passenger stage service 24-hours per day, 7 days per week, between approximately 216 service points, as shown in Exhibit C of the application. After discussions with staff regarding the scope of authority, applicant amended the application by letter of July 13, 1998, deleting Santa Clara County as a service

area and reducing the number of service points to 156. The equipment for the proposed service will initially consist of three vehicles that will include a 1989 five-passenger Dodge sedan, a 1990 five-passenger Chevrolet sedan and a seven-passenger Dodge van. These vehicles are presently utilized in the applicant's charter-party operations, TCP-10987-P. Applicant indicates that additional equipment will be obtained as needed after the authority is granted to meet the public's requirements.

Exhibit E, is the unaudited Balance Sheet as of December 31, 1996, that discloses: cash on hand, \$17,000; fixtures and equipment, \$8,320; investments (gold), \$36,500; vehicles, \$88,200; radios, \$3,600; or total assets of \$153,620. There is no provision for depreciation. Liabilities consist of accounts payable, \$2,000, and notes payable, \$27,500. Net worth is \$124,120.

Applicant also requests authority to establish a ZORF of: (1) \$8 above and below any proposed fares that are less than \$21 and (2) \$12 above and below any proposed fares that are \$21 or higher as shown in Exhibit C. 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 its service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 21, 1997. No protest has been received. The applicant notified the affected airports and cities. The staff recommends that the application be granted.

Findings of Fact

1. Applicant requests authority, as amended by letter of July 13, 1998, to operate an on-call passenger stage corporation between points in the Counties of San Francisco, Alameda, Contra Costa, and San Mateo, 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 \$8 above and below any proposed fares less than \$21, and \$12 above and below any proposed fares \$21 or higher, as shown in Exhibit C. The ZORF is fair and reasonable.
4. Applicant will compete with passenger stage corporations, taxi cabs, 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 and the application should be granted.
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 indicating the high and low ends of the ZORF between each pair of service points, 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 Sharaf E. Nosur, Ibrahim N. Abdrahman, and Burhan M. Burhan, (applicant), a partnership, authorizing them 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-10987 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 that are lower than \$21 and \$12 above and below its proposed fares that are \$21 or higher, as shown in Exhibit C, attached to the application.

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, 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 the authorized maximum and minimum fares between each pair of service points 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-10987), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application, as amended by letter of July 13, 1998, is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated September 3, 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-10987

Sharaf E. Nosur,
Ibrahim N. Abdrahman, and Burhan M. Burhan
(a partnership)

Original Title Page

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

PSC-10987

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 98-09-011, dated September 3, 1998, of the Public
Utilities Commission of the State of California in Application 97-08-035.

T/MM

Appendix PSC-10987

Sharaf E. Nosur,
Ibrahim N. Abdrahman, and Burhan M. Burhan
(a partnership)

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Issued by California Public Utilities Commission.

Decision 98-09-011, Application 97-08-035.

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

Sharaf E. Nosur, Ibrahim N. Abdrahman, and Burhan M. Burhan, 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.

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Appendix PSC-10987

Sharaf E. Nosur,
Ibrahim N. Abdrahman, and Burhan M. Burhan
(a partnership)

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SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of Contra Costa, Alameda, San Mateo, 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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