

Decision 98-09-020 September 3, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Makki M. Shiyazel and Mohammed S. Maamo, doing business as City Express Shuttle for authority to operate as a passenger stage corporation between points in San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa and Solano Counties and the San Francisco, Oakland and San Jose International Airports, and to establish a Zone of Rate Freedom.

ORIGINAL

Application 97-08-023
(Filed August 11, 1997)

OPINION

Summary

Makki M. Shiyazel and Mohammed S. Maamo (applicant), doing business as City Express Shuttle, 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, San Mateo, Santa Clara, Alameda, Contra Costa, and Solano, 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

The Commission's Rail Safety Carriers Division (staff) received a letter dated June 5, 1998 from applicant's attorney that provided additional requested information. Attached to the letter were: (1) a partnership agreement; (2) applicant's balance sheet as of June 30, 1998; (3) a pro forma operating statement for the first year of operations; and (4) a current list of vehicles. The

letter also requested that the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-9492) granted by Decision (D.) 94-12-035 on December 21, 1994, to Makki M. Shiyazel be revoked concurrently with effective date of the authority granted in this application. 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 11 seven-passenger vans and a ten-passenger van. The amended and unaudited Balance Sheet as of June 30, 1998, discloses: cash, \$30,000; vehicles; \$218,000; office equipment and other equipment, \$8,500; furniture, fixture, and appliances, \$35,000; investments and personal properties, \$32,500; or total assets of \$324,000. There is no provision for depreciation. Liabilities consist of accounts payable, \$13,000, and notes payable, \$180,000. Net worth is \$131,000. The pro forma statement indicates in applicant's first year of operation that it will generate revenues in the amount of \$294,000 and net profit of \$71,648. The proposed fares vary between \$12 (San Francisco-SFO) and \$90 (Vacaville-SJC).

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 C, 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 its service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 19, 1997. No protest has been received. The applicant notified the affected airports and cities. The staff recommends that the application, as amended by applicant's letter of June 5, 1998, be granted.

Findings of Fact

1. Applicant requests authority, as amended by letter of June 5, 1998, to operate an on-call passenger stage corporation between points in the Counties of San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa and Solano, on the one hand, and SFO, OAK, and SJC International Airports, on the other hand.

2. Applicant requests that the certificate of public convenience and necessity, PSC-9492, granted by D. 94-12-035 to Makki M. Shiyazel be revoked concurrently with the effective date the authority is granted.

3. Public convenience and necessity require the proposed service.

4. Applicant requests authority to establish a ZORF of \$\$ above and below the proposed fares, as shown in Exhibit C, attached to the application. The ZORF is fair and reasonable.

5. Applicant will compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.

6. No protests to the application have been filed.

7. A public hearing is not necessary.

8. 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. PSC-9492 should be revoked concurrently with the commencement of operations of the applicant as directed in Ordering Paragraph 9 of this decision.

3. Public convenience and necessity have been demonstrated and the application should be granted.

4. The request for a ZORF should be granted.

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

6. 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.

7. 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 Makki M. Shiyazel and Mohammed S. Maamo (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-11952, 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 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 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. The certificate of public convenience and necessity granted to Makki M. Shiyazel by Decision 94-12-035 is revoked concurrently with the commencement of operations as directed in Ordering Paragraph 9.

8. 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.

9. 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.

10. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11952), granted herein, expires, unless exercised within 120 days after the effective date of this order.

11. The Application, as amended by letter of June 5, 1998, is granted as set forth above.

12. 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

RSCD/MM

Appendix PSC-11952

Makki M. Shiyazel
and Mohammed S. Maamo
(a partnership)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

PSC-11952

**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 98-09-020, dated September 3, 1998, of the Public
Utilities Commission of the State of California in Application 97-08-023.**

RSCD/MM

Appendix PSC-11952

Makki M. Shiyazel
and Mohammed S. Maamo
(a partnership)

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Issued by California Public Utilities Commission.

Decision 98-09-020, Application 97-08-023.

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

Makki M. Shiyazel and Mohammed S. Maamo, 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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SECTION II. SERVICE AREA.

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