

Decision 98-12-039 December 17, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Mamdouh F. Hassan, doing business as Bay Transit Airporter for authority to operate as a passenger stage corporation between points in San Francisco, Alameda and Contra Costa Counties and the San Francisco and Oakland International Airports and to Establish a Zone of Rate Freedom.

ORIGINAL

Application 98-07-053
(Filed July 24, 1998)

OPINION

Summary

Mamdouh F. Hassan (applicant), an individual, requests 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 San Francisco, Alameda and Contra Costa Counties, on the one hand, and the International Airports of San Francisco (SFO) and Oakland (OAK), 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 and will require three hours' advance notice to insure timely service. The equipment for the proposed service will initially consist of two vans. Applicant indicates that additional equipment will be obtained as needed to meet the public's requirements after the authority is granted. The proposed fares range between \$12 (San Francisco - SFO) and \$50 (Pittsburg - OAK/SFO).

Exhibit E to the application is the unaudited Balance Sheet as of June 27, 1998, that discloses: cash on hand, \$10,000; office equipment, \$3,000; personal property, \$9,000; vehicles, \$137,720 after depreciation; real estate \$550,000, or total assets of \$709,720. Liabilities consist of notes payable, \$26,000. Networth is \$683,720.

Applicant also requests authority to establish a ZORF of \$8 above and below the proposed fares 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 his service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 5, 1998. Applicant notified the affected airports. The applicant, through his counsel's letter of October 8, 1998, requests a waiver from Rules 21 and 24 of the Commission's Rules of Practice and Procedure which require service of a notice of the application on all city and county governmental entities within whose boundaries the passengers will be loaded or unloaded. Applicant stated that he has sent a notice to each sizeable city, transit agency, and regional planning agency and that all parties that have an interest in Commission proceedings subscribe to or have access to the Commission's Daily Calendar.

In Resolution ALJ 176-2998 dated August 6, 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 176-2998.

Findings of Fact

1. Applicant requests authority to operate an on-call passenger stage corporation between points in San Francisco, Alameda and Contra Costa Counties, on the one hand, and SFO and OAK, 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, as shown in Exhibit C to the application. The ZORF is fair and reasonable.
4. Applicant will compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.
5. Applicant requests a waiver of Rules 21 and 24. He has served notice to each sizeable city, transit agency, and transportation planning agency.
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. 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. 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.
5. The request to waive Rules 21 and 24 should be granted.

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 Mamdouh G. Hassan (applicant), an individual, 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-11528, 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. 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.
4. 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.
5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11528), granted herein, expires, unless exercised within 120 days after the effective date of this order.
6. Rules 21 and 24 of the Commission's Rules of Practice and Procedure are waived in this proceeding.
7. The Application is granted as set forth above.
8. This proceeding is closed.

This order is effective today.

Dated December 17, 1998, at San Francisco, California.

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

A.98-07-053/KLK/eap

Appendix PSC-11528

Mamdouh F. Hassan
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11528

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 98-12-039, dated December 17, 1998, of the Public
Utilities Commission of the State of California in Application 98-07-053.

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Issued by California Public Utilities Commission.

Decision 98-12-039, Application 98-07-053.

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

Mamdouh F. Hassan, 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, as 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. Points and places within the geographical limits of the Counties of Contra Costa, Alameda, and San Francisco.

- B. San Francisco 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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