

Decision 00-05-041 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Getachew Demeku-Ousman, an individual, dba A and D Airporter, for a certificate of public convenience and necessity to operate as a passenger stage corporation between all points in Alameda, Contra Costa, San Francisco and Solano Counties and certain points in Napa and Sonoma Counties on the one hand and Oakland, Sacramento and San Francisco International Airports on the other hand.

Application 99-11-015
(Filed November 9, 1999;
amended March 2, 2000)

OPINION

Summary

This decision grants the application of Getachew Demeku-Ousman (Applicant), an individual, pursuant to Pub. Util. Code § 1031 *et seq.*, for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant requests authority, as amended, to operate as an on-call PSC to transport passengers and their baggage between points in the counties of Alameda, Contra Costa, San Francisco, and Solano, and certain points in the counties of Napa and Sonoma, on the one hand, and Oakland (OAK), Sacramento (SAC), and San Francisco (SFO) International Airports, on the other hand. Initially, this application was filed as a partnership before Alemayehu Tekilu Telila withdrew from the partnership and the application. The amended

application established Demeku-Ousman as the Applicant in this proceeding. Attached to the amended application is the "Agreement for Dissolution of Partnership." Applicant will utilize two vehicles for the proposed service. The proposed fares, as listed in Exhibit C, range between \$15 (Alameda - OAK) and \$110 (Petaluma - SAC). Exhibit D to the application is the unaudited Balance Sheet as of December 31, 1999, that discloses total assets of \$58,000; total liabilities of \$4,000; and net worth of \$54,000.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on November 16, 1999 and March 8, 2000. The applicant notified the affected cities, airports, and transit agencies.

In Resolution ALJ 176-3027 dated November 22, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3027.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between points in the counties of Alameda, Contra Costa, San Francisco, and Solano, and certain points in the counties of Napa and Sonoma, on the one hand, and OAK, SAC, and SFO, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. No protests to the application, as amended, have been filed.
4. A public hearing is not necessary.

5. 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. Public convenience and necessity has been demonstrated and the application, as amended, should be granted.

2. 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 (CPCN) is granted to Getachew Demeku-Ousman (Applicant), an individual, authorizing him to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-13223 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 Pub. Util. 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 Pub. Util. Code § 403 when notified by mail to do so.
- h. Comply with Pub. Util. 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 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.

4. 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 authorized by the airport's governing body.

5. The CPCN to operate as a passenger stage corporation (PSC-13223), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated May 18, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners

RSCD/mm

Appendix PSC-13223

Getachew Demeku-Ousman
(an individual)

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-13223

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 00-05-041, dated May 18, 2000, of the Public
Utilities Commission of the State of California in Application 99-11-015.

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Issued by California Public Utilities Commission.

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

Getachew Demeku Ousman, 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 any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

- A. 1. The counties of Alameda, Contra Costa, San Francisco, and Solano.
- 2. The cities of American Canyon and Napa in Napa County.
- 3. The cities of Petaluma and Sonoma in Sonoma County.

- B. San Francisco International Airport.
Oakland International Airport.
Sacramento 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 the airports described in Section IIB.

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