

Decision 99-04-007 April 1, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Daniel Shubaralyn, dba Dani's Shuttle, to transfer his certificate of public convenience and necessity and all other assets to DANI SHUTTLE, INC., a Nevada corporation. This request is made pursuant to Section 851 et seq. and section 1036 of the California Public Utilities Code.

Application 98-12-031  
(Filed December 28, 1998)

**OPINION**

**Summary**

Application to transfer a passenger stage certificate from individual ownership to corporate ownership granted.

**Discussion**

Daniel Shubaralyn, (Transferor), doing business as Dani's Shuttle, holds a passenger stage certificate (PSC-7735) to operate as an on-call, door-to door airport shuttle between all points within the Counties of Los Angeles, Orange, Riverside, and San Bernardino, on the one hand and the Los Angeles International Airport (LAX), Ontario International Airport (ONT) and Burbank Airport (BUR), on the other. He also holds charter-party authority (TCP-007735-P), but that authority is not the subject of this application.

Transferor is incorporating his passenger stage business under the name of Dani Shuttle, Inc. (Transferee) and wishes to transfer the certificate and all of the related assets to the newly formed corporation, pursuant to Public Utilities (Pub. Util.) Code Sections 851 et seq. and 1036. Transferor will be the majority shareholder, a director, and an officer of the corporation. Transferor asserts that

the key personnel, officers, and managers are all part of Transferor's business and have been in the airport transportation business for over five years

Attached to the application is a balance sheet and income statement, and a list of equipment which indicate that Transferee will be able to provide service upon receipt of approval from this Commission. Also included is a list of agencies upon whom notice of this application has been served. Notice of this application was published in the Commission's Daily Calendar on January 8, 1999. There have been no protests.

In Resolution ALJ 176-3008, dated January 22, 1999, the Commission preliminarily categorized the application as ratesetting and preliminarily determined that a hearing was not necessary. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3008.

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

### **Findings of Fact**

1. Transferor is an individual holding PSC-7735 and TCP-007735 under the name of Dani's Shuttle, Inc.
2. PSC-7735 operates on-call, door-to-door service between all points in Los Angeles, Orange, and Riverside Counties and LAX, ONT, and BUR.
3. Transferor wishes to transfer PSC-7735 to Transferee, a new corporation in which he is the majority shareholder, a director, and an officer.
4. TCP-007735 is not part of the proposed transfer.
5. All of the assets related to PSC-7735 are to be transferred to the Transferee.

6. The balance sheet and income statement attached to the application indicate the financial position of the transferee, and the equipment list shows the vehicles available to serve the public.

7. Officers, managers, and key personnel of Transferor will perform similar functions for Transferee.

8. The transfer to a corporate ownership should be transparent to the public.

9. Notice of the application appeared in the Commission's Daily Calendar on January 8, 1999. There have been no protests.

### **Conclusions of Law**

1. Transferee has the necessary financial resources, equipment, and experience to serve the public.

2. The application should be granted.

3. Since this matter is noncontroversial, the order should be made effective the date it is signed.

## **O R D E R**

### **IT IS ORDERED that:**

1. Within 120 days after the effective date of this order, Daniel Shubaralyn (Transferor), an individual, may transfer the operative rights and related assets specified in the application to Dani Shuttle, Inc. (Transferee), a corporation, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Amend or reissue transferors' 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. If the transfer is completed, on the effective date of the tariff a certificate of public convenience and necessity is granted to transferee authorizing it to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226, between the points and over the routes set forth in Appendix PSC-12340 to transport persons and their baggage.

4. The certificate of public convenience and necessity granted by Decision 94-03-013 is revoked on the effective date of the tariffs and timetables filed by the Transferee.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

6. Transferee is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the

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Commission and that the CHP has approved the use of Transferee's vehicles for service.

7. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12340), granted herein to the Transferee, expires, unless exercised within 120 days after the effective date of this order.

8. The application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated April 1, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

Appendix PSC-12340

Dani Shuttle, Inc.  
(a corporation)

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-12340

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Showing passenger stage operative rights, restrictions, limitations, exceptions, and  
privileges.

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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.

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Supersedes the authority heretofore granted to  
Daniel Shubaralyan , an individual, by D.94-03-013.

Issued under authority of Decision 99-04-007, dated April 1, 1999, of the Public  
Utilities Commission of the State of California in Application 98-12-031.

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Decision 99-04-007, Application 98-12-031.

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

This certificate supersedes all passenger stage operative authorities granted to Daniel Shubaralyan, an individual.

Dani Shuttle, Inc., a corporation, 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 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 the route 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 shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- d. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- e. 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. All points within the geographical limits of:
  - 1. The Counties of Los Angeles and Orange.
  - 2. The following cities and communities located in:
    - a. San Bernardino County  
Brynmawr, Bloomington, Chino, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga (including Alta Loma and Etiwanda), Redlands, Rialto, San Bernardino and Upland.
    - b. Riverside County  
Corona, Glen Ivy, Lake Elsinore, Mira Loma, Norco, Perris, Riverside and Sun City.
- B. Los Angeles International Airport.  
Burbank Airport.  
Ontario 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.