

Decision 99-06-017 June 3, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Mamdouh F. Hassan to transfer his PSC-11528 Certificate to California Airporter, Inc. and to Establish a Zone of Rate Freedom.

Application 99-03-006
(Filed March 4, 1999)

O P I N I O N

Summary

Application of Mamdouh F. Hassan (Transferor) to transfer PSC-11528 to California Airporter, Inc. and establish a Zone of Rate Freedom (ZORF) granted.

Discussion

Transferor holds PSC-11528, authorizing operations as an airport shuttle between points in Alameda, Contra Costa and San Francisco Counties and the San Francisco and Oakland International Airports. This authority was granted in Decision 98-12-039. That decision also grants a ZORF for fares \$8.00 above or below fares published in its tariff, with a minimum fare of \$5.00. Transferor seeks to transfer its certificate to California Airporter, Inc., a new corporation, and to obtain the identical ZORF for California Airporter, Inc. as is presently published by Transferor.

California Airporter, Inc. will be jointly owned by Transferor and Elamir E. Elhamaki (Elhamaki). Transferor will have control of the operations. The application contains a pro forma income statement, since Transferor has been in operations for a very short period. It also contains a balance sheet for Transferor. Transferor and Elhamaki have advanced \$15,000 to the new corporation, for which they will receive stock.

Notice of this application appeared in the Commission's Daily Calendar on March 9, 1999. In Resolution ALJ 176-3012 dated March 18, 1999, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that a hearing was not necessary. There have been no protests. 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 176-3012.

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. Transferor is the sole owner of California Airporter.
2. Transferor has formed California Airporter, Inc., a corporation, along with Elhamaki.
3. Transferor seeks to transfer PSC-11528 to California Airporter, Inc.
4. California Airporter, Inc. seeks to obtain the identical ZORF currently published by Transferor.
5. California Airporter, Inc. will offer the same service as Transferor, and the change of ownership should be transparent to the public.
6. There have been no protests to the application.

Conclusions of Law

1. The transfer of PSC-11528 from Transferor to California Airporter, Inc. is not adverse to the public interest and should be granted.
2. California Airporter, Inc. should be allowed the same ZORF as previously published by Transferor.

3. Before changing fares under the ZORF granted in this application California Airporter should give this Commission 10 days' notice.

4. Filling of ZORF fares should be accompanied by a tariff amendment showing the high and low ends of the ZORF between each service point and the effective fares.

O R D E R

IT IS ORDERED that:

1. Within 120 days after the effective date of this order, Mamdouh F. Hassan (Transferor), an individual, may transfer the operative rights and related assets specified in the application to California Airporter, 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 Transferor's 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-12436 to transport persons and their baggage.
- 4. The certificate of public convenience and necessity granted by Decision 98-12-039 is revoked on the effective date of the tariffs and timetables filed by the Transferee.
- 5. Transferee is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$8 above and below the fares published in the tariff of Transferor that is on file with the Commission.
- 6. Transferee 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.
- 7. Transferee 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.
- 8. In addition to posting and filing tariffs, Transferee 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.

9. 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.

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

11. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12436), granted herein to the Transferee, expires, unless exercised within 120 days after the effective date of this order.

12. The Application is granted as set forth above.

13. This proceeding is closed.

This order is effective today.

Dated June 3, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
LORETTA M. LYNCH
TAL C. FINNEY
Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-12436

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.

Supersedes the authority heretofore granted
to Mandouh F. Hassan, an individual, by D.98-12-039.

Issued under authority of Decision 99-06-017, dated June 3, 1999, of the Public
Utilities Commission of the State of California in Application 99-03-006.

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

This certificate supersedes all passenger stage operative authorities granted to Mamdouh F. Hassan, an individual.

California Airporter, 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 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.

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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 the airport described in Section.IIB.

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