

Decision 99-06-040 June 10, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Nabil Barsoum Fahmy and Therese Fahmy, dba Prince Airport Shuttle to extend passenger stage authority (PSC-10863) to operate between Los Angeles International Airport (LAX), Burbank Airport (BUR), Ontario International Airport (ONT), John Wayne Airport (SNA), Los Angeles & Long Beach Harbors and points in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Kern, on the one hand, and between certain other points of interest, on the other hand, pursuant to Section 1031, et seq., of the California Public Utilities Code.

Application 98-10-021
(Filed October 13, 1998)

O P I N I O N

Summary

This decision grants the application of Nabil Barsoum Fahmy and Therese Fahmy (applicants), husband and wife, doing business as Prince Airport Shuttle, under Pub. Util. Code § 1031 et seq. to extend their authority to operate as an on-call passenger stage corporation to transport passengers and their baggage.

Discussion

Applicants are currently authorized to operate an on-call passenger stage corporation (PSC-10863) pursuant to Decision (D.) 97-09-010 between certain points in the San Gabriel Valley and Los Angeles International Airport (LAX).

In this application, as amended by letter of March 30, 1999, applicants request to extend their authority, between points and places in the: (1) Counties

of Los Angeles and Orange, on the one hand, and LAX, Burbank (BUR), Ontario International (ONT), and John Wayne (SNA) Airports, Los Angeles/Long Beach Harbors (HBR), Los Angeles Amtrak/Union Station (AMTRK), Downtown Los Angeles (LA-DNT) and Westchester-Los Angeles (LA-WST), on the other hand; and (2) County of San Diego, on the one hand, and LAX, SNA, HBR, and LA-WST, on the other hand.

Applicants also request to correct a typographical error in Decision 97-09-010 in the spelling of one partner's name, from Theresa to Therese Fahmy. This was an unintentional error and the correction is reflected in this proceeding.

The proposed fares for the extended service points range from \$5.00 (El Segundo-LAX) to \$140.00 (Del Cerro-LAX). The equipment for the proposed extended service will consist of 20 seven-passenger vans.

Exhibit C to the application is the unaudited Balance Sheet as of August 31, 1998, that discloses: total assets of \$370,679; total liabilities of \$107,000; and net worth of \$263,679.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 20, 1998. The applicant notified the affected airports and cities.

In Resolution ALJ 176-3002 dated October 22, 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 176-3002.

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. Applicants are currently authorized to operate an on-call passenger stage corporation (PSC-10863) pursuant to D.97-09-010 between certain points in the San Gabriel Valley and LAX.

2. Applicants request authority, as amended by letter of March 30, 1999, to extend their on-call passenger stage corporation between points and places in the: (1) counties of Los Angeles and Orange, on the one hand, and LAX, BUR, ONT, SNA, HBR, AMTRK, LA-DNT, and LA-WST, on the other hand; and (2) County of San Diego, on the one hand, and LAX, SNA, HBR and LA-WST, on the other hand.

3. Public convenience and necessity requires the proposed service.

4. No protests to the application have been filed.

5. A public hearing is not necessary.

6. 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, as amended by letter of March 30, 1999, should be granted to Nabil Barsoum Fahmy and Therese Fahmy.

2. Public convenience and necessity have been demonstrated.

3. 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. The certificate of public convenience and necessity granted to Nabil Barsoum Fahmy and Therese Fahmy (applicants), husband and wife, authorizing them 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-10863 of Decision 97-09-010, is amended by replacing Original Title Page, and Original Pages 1, 2, and 3, with First Revised Title Page and First Revised Pages 1, 2, and 3 and Original Page 4, subject to the conditions contained in the following paragraphs.

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

4. Applicants are authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to the applicants that their 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 applicants' vehicles for service.

5. The extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-10863), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter of March 30, 1999, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated June 10, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

JOEL Z. HYATT

Commissioners

A.98-10-021 ALJ/KLK/avs

Appendix PSC-10863

Nabil Barsoum Fahmy
and *Therese Fahmy
(husband and wife)

First Revised Title Page
Cancels
Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10861

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 authority heretofore granted to
Traders Travel World, Inc.
by D.88-04-039.

Issued under authority of the *revised Decision 99-06-040, dated June 10, 1999,
of the Public Utilities Commission of the State of California
in Application-98-10-021.

A.98-10-021 ALJ/KLK/avs

Appendix PSC-10863

Nabil Barsoum Fahmy
and *Therese Fahmy
(husband and wife)

First Revised Page 1
Cancels
Original Page 1

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Issued by California Public Utilities Commission.

*Revised by Decision 99-06-040, Application 98-10-021.

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

Nabil Barsoum Fahmy and *Therese Fahmy, husband and wife, 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 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.

Issued by California Public Utilities Commission.

*Revised by Decision 99-06-040, Application 98-10-021.

SECTION II. SERVICE AREA.

*A. Within points and places in the counties of:

1. Los Angeles
2. Orange
3. San Diego.

*B. Airports.

1. Los Angeles International Airport.
2. Burbank Airport.
3. Ontario International Airport.
4. John Wayne Airport.
5. All points within the geographical limits of U.S. Postal Zip Code 90045.

*C. Harbors and Train Station.

1. Los Angeles Harbor and Long Beach Harbor.
2. Los Angeles AMTRAK/Union Station.

*D. Downtown Los Angeles is described as the points and places within the geographical limits of the following U.S. Postal Zip Codes: 90007, 90012, 90013, 90014, 90015, 90071, and 90089.

SECTION III. ROUTE DESCRIPTION.

***Route 1 – Los Angeles/Orange**

Commencing from any point as described in Section IIA, except Section IIA3, then over the most convenient streets, expressways, and highways to any point or place described in Sections IIB, IIC, and IID.

***Route 2 – San Diego**

Commencing from any point as described in Section IIA3, then over the most convenient streets, expressways, and highways to any point or place described in Sections IIB1, IIB4, IIB5 and IIC1.

Issued by California Public Utilities Commission.

Decision 99-06-040, Application 98-10-021.