

Decision 99-06-041 June 10, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Okad S. Fayad, doing business as Superporter
Express for authority to operate as a passenger
stage corporation between points in
San Francisco.

Application 98-10-019
(Filed October 16, 1998)

O P I N I O N

Summary

This decision grants the application of Okab S. Fayad, (applicant) an individual, for authority under Pub. Util. 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 Pub. Util. Code § 454.2.

Discussion

The first name of the applicant was corrected from Okad to Okab by letter of October 29, 1998 submitted by applicant's counsel.

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 for a timely service. The equipment for the proposed service initially will consist of two vans. Applicant indicates that additional equipment will be obtained as needed after the authority is granted to meet the public's

requirements. Proposed fares range between \$12.00 (San Francisco - SFO) and \$40.00 (Pittsburg - OAK/SFO).

Exhibit E to the application is the unaudited Balance Sheet as of September 1, 1998, that discloses: cash on hand, \$20,000; real estate, \$100,000; personal property, \$20,000; vehicle, \$10,000; and investments \$4,000, or total assets of \$154,000. Net worth is \$154,000. There is no provision for depreciation.

Applicant also requests authority to establish a ZORF of \$8.00 above and below the proposed fares, with a minimum adult one-way fare of \$5.00, 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, taxicabs, limousines, buses, and automobiles in his service area.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 20, 1998. Applicant notified the affected airports. The applicant, through his counsel's letter of October 8, 1998, requests a waiver from the provisions of Rules 21 and 24 of the Commission's Rules of Practice and Procedure that require service of a notice of the application to all city and county officials within whose boundaries the passengers are loaded or unloaded. Applicant said that he has served 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 176-3002 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. 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 \$8.00 above and below the proposed fares, with a minimum one-way adult fare of \$5.00, as shown in Exhibit C, attached to the application. The ZORF is fair and reasonable.
4. Applicant will compete with passenger stage corporations, taxicabs, limousines, buses, and automobiles in its operations.
5. Applicant requests a waiver of the notice requirements of Rules 21 and 24 of the Rules of Practice and Procedure as 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 waived 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 Okab S. Fayad (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 route set forth in Appendix PSC-11569, 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 under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom (ZORF) of \$8.00 above and below the proposed fares, as shown in Exhibit C, attached to the application.
4. Applicant 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.
5. Applicant 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.
6. In addition to posting and filing tariffs, applicant shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least five days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. 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.

8. 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.

9. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11569), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The notice requirements of Rules 21 and 24 of the Commission's Rules of Practice and Procedure are waived as copies and notice of the application have been served upon parties that may have an interest in this proceeding.

11. The Application is granted as set forth above.

12. 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.98-10-019 ALJ/KLK/avs

Appendix PSC-11569

Okab S. Fayad
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11569

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 99-06-041, dated June 10, 1999,
of the Public Utilities Commission of the State of California
in Application 98-10-019.

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Decision 99-06-041, Application 98-10-019.

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

Okab S. Fayad, 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 or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of San Francisco, Alameda, and Contra Costa.

- 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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