

Decision 99-06-044 June 10, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Mohammed Saeed, Kamal Hamid Zeinelabdin, El Fatih Elyas Ahmed, and Izzelding Elyas Ahmed, a partnership, dba Horizon Airporter, for a certificate of public convenience and necessity to operate as a passenger stage corporation between points in Alameda, Contra Costa and San Francisco Counties, on the one hand, and Oakland International Airport, on the other hand, (PSC-11671).

Application 99-02-023
(Filed February 16, 1999)

O P I N I O N

Summary

This decision grants the application of Mohammed Saeed, Kamal Hamid Zeinelabdin, El Fatih Elyas Ahmed, and Izzeldin Elyas Mohamed (applicant), a partnership, dba Horizon Airporter, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as an on-call passenger stage corporation.

Discussion

By letter of April 20, 1999, applicant requested to correct the name of partner Izzeldin Elyas Ahmed to Izzeldin Elyas Mohamed. This correction has been noted in the application. Applicant proposes to transport passengers and their baggage between points in the counties of Alameda, Contra Costa, and San Francisco, on the one hand, and Oakland International Airport (OAK), on the other hand. Applicant presently uses two vans and a limousine under its charter party carrier authority (TCP-11671). These vehicles will also be used in the

passenger stage operations. The proposed fares, as listed in Exhibit B, range between \$15.00 (Oakland - OAK) and \$60.00 (Brentwood - OAK). Applicant indicated in its letter of April 5, 1999, that the proposed "EXCL FARE" column between OAK and the City of San Francisco, shown in Exhibit B, applies to charter-party operations and therefore is deleted as it does not apply to passenger stage operations. Exhibit D to the application is the unaudited Balance Sheet as of January 31, 1999, that discloses: cash on hand, \$1,500; vehicles \$23,000; tools and equipment \$500, or Total Assets of \$25,000; and Net Worth is \$25,000. There is no provision for depreciation.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 22, 1999. The applicant notified the affected cities and transit agencies.

In Resolution ALJ 176-3011 dated March 4, 1999, 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 176-3011.

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, as amended by letters of April 5 and 20, 1999, to operate as an on-call passenger stage corporation to transport passengers and

their baggage between points in the counties of Alameda, Contra Costa and San Francisco, on the one hand, and OAK, on the other hand.

2. Public convenience and necessity requires the proposed service.
3. No protests to the application 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 have been demonstrated and the application, as amended by letters of April 5 and 20, 1999, 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 is granted to Mohammed Saeed, Kamal Hamid Zeinelabdin, El Fatih Elyas Ahmed, and Izzeldin Elyas Mohamed (applicant), a partnership, authorizing it 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-11671 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. 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.

4. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to the applicant 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 applicant's vehicle for service.

5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11671), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letters of April 5 and 20, 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

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-11671

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 99-06-044, dated June 10, 1999,
of the Public Utilities Commission of the State of California
in Application 99-02-023.

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

Mohammed Saeed, Kamal Hamid Zeinelabdin, El Fatih Elyas Ahmed, and Izzeldin Elyas Mohamed, a partnership, 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 IIA, and the airport 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 OAK unless such operation is authorized by airport authority involved.

Issued by California Public Utilities Commission.

Decision 99-06-044, Application 99-02-023.

SECTION II. SERVICE AREA.

- A. Within points and places in the counties of Alameda, Contra Costa and San Francisco.
- B. Oakland International Airport (OAK).

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.