

Decision 99-07-012 July 8, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Application of Arik Sharabi, dba Airport Express and California Mini Bus Inc, to transfer his certificate of public convenience and necessity and all other assets to A.J. Mini Bus, Inc., a California corporation. This request is made pursuant to Section 851 et. Seq. And Section 1036 of the California Public Utilities Code.

Application 99-03-042
(Filed March 22, 1999)

O P I N I O N

Summary

Transfer of a passenger stage certificate from Arik Sharabi (Transferor), dba Airport Express¹ to A.J. California Mini Bus, Inc. (Transferee) granted.

Discussion

Arik Sharabi, dba Airport Express holds a certificate of public convenience and necessity to operate a passenger stage corporation (PSC-1169)² carrying passengers and their baggage between points within the City and County of San Francisco and San Francisco International Airport. Transferor has caused the formation of A.J. California Mini Bus, Inc. of which he is the sole shareholder. Transferor wishes to transfer his certificate and all of the property to Transferee.

¹ Decision (D.) 94-06-027, dated June 22, 1994, authorized transfer of a passenger stage certificate from Arik Sharabi to California Mini Bus, Inc. This transfer was never completed because transferor did not file the new tariffs etc., required by D.94-06-027.

² The application erroneously makes reference to PSC-6960. Transferor's passenger stage certificate number is PSC-1169.

Transferee will adopt the existing tariff of Transferor. The existing personnel of Transferor will operate Transferee. Attached to the application is a balance sheet of Transferor for the month of October, 1998 and a proposed list of assets of Transferee. Other than the name of the carrier, the transfer will be invisible to the public.

The application appeared on the Commission's Daily Calendar of March 25, 1999. There have been no protests.

In Resolution ALJ 176-3013 dated April 1, 1999, the Commission preliminarily categorized the application as ratesetting and preliminarily determined that a hearing was not necessary. The Commission's Railroad 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 176-3013.

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 an individual holding PSC-1169 under the name of Airport Express.
2. Transferor operates on-call, door-to-door service between an area within the City and County of San Francisco and the San Francisco International Airport, carrying passengers and their baggage.
3. Transferor wishes to transfer PSC-1169 and the equipment used in operating PSC-1169 to Transferee, a corporation in which he is the sole shareholder.

4. The balance sheet and list of equipment attached to the application indicate the proposed financial condition of Transferee and physical equipment to be transferred.

5. Officers and key personnel of Transferor will perform similar functions for Transferee.

6. The change from sole proprietorship to corporation should be transparent to the public.

7. Notice of the application appeared in the Commission's Daily Calendar on March 25, 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 the 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, Arik Sharabi (Transferor), an individual, may transfer the operative rights and related assets specified in the application to A.J. California Mini Bus, 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 filing, 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-12472 to transport persons and their baggage.

4. The certificate of public convenience and necessity granted by Decision 82-11-037, as amended, 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 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-12472), 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 July 8, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-12472

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 Arik Sharabi, an individual, by D.82-11-037, as amended.

Issued under authority of Decision 99-07-012, dated July 8, 1999, of the Public
Utilities Commission of the State of California in Application 99-03-042.

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Issued by California Public Utilities Commission.

Decision 99-07-012, Application 99-03-042.

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

This certificate supersedes all passenger stage operative authorities granted to Arik Sharabi, an individual.

A.J. California Mini Bus, 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 airport, 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 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. All service authorized shall be to provide service seven days a week from 6 a.m. to 11:30 p.m.
- 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.

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SECTION II. SERVICE AREA.

A. San Francisco Territory

Beginning in the City and County of San Francisco at the intersection of the western prolongation of Fulton Street and the shoreline of the Pacific Ocean, then east along the western prolongation of Fulton Street and Fulton Street to Stanton Street, then south along Stanton Street and the southern prolongation of Stanton Street to Portal Drive, then east along Portola Drive to Diamond Heights Boulevard, then southerly along Diamond Heights Boulevard to Elk Street, then south along Elk Street to Bosworth Street, then due south from the intersection of Elk Street and Bosworth Street to Interstate 280, then east and north along Interstate 280 to Army Street, then east along Army Street and the eastern prolongation of Army Street to the shoreline of San Francisco Bay, then north, west, and south along the shorelines of San Francisco Bay and the Pacific Ocean to the point of beginning.

B. San Francisco 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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