



Decision 99-07-044 July 22, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Shibli Azar for certificate of public convenience and necessity to extend operations as a passenger stage corporation between points in the counties of Santa Clara, San Mateo, and San Francisco, on the one hand, and Oakland International Airport, on the other hand, and Alameda County, on the one hand, and San Francisco, San Jose, and Oakland International Airports, on the other hand, and to establish a Zone of Rate Freedom.

Application 99-03-017  
(Filed March 11, 1999;  
amended April 29, 1999)

**O P I N I O N**

**Summary**

This decision grants the application of Shibli Azar (applicant), an individual, doing business as Silicon Valley Airporter, to extend his on-call passenger stage corporation authority to transport passengers and their baggage under Public Utilities (Pub. Util.) Code § 1031 et seq. and to establish a Zone of Rate Freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

**Discussion**

Applicant is currently authorized to operate an on-call passenger stage corporation (PSC-10140) pursuant to Decision 95-12-035 between the counties of Santa Clara, San Mateo, and San Francisco, on the one hand, and San Francisco (SFO) and San Jose (SJC) International Airports, on the other hand.

Applicant requests to extend his service between: (1) the counties of Santa Clara, San Mateo, and SFO, on the one hand, and Oakland International Airport

(OAK), on the other hand; and (2) Alameda County, on the one hand, and SFO, SJC, and OAK, on the other hand.

Applicant currently uses 4 seven-passenger vans in his passenger stage and charter-party carrier operations. These vehicles will be utilized for the proposed service. The proposed fares range from \$19 (Berkeley-OAK) to \$79 (Livermore-SFO).

Applicant also requests authority to establish a ZORF of \$10 above and below the proposed fares for the extended service points with a minimum one-way adult fare of \$5, shown in Exhibit A, attached to the application. The requested ZORF for applicant's current operations will be established based on present fares published and on file with the Commission in his Local Passenger Tariff No. 1. The staff is of the opinion that the establishment of the ZORF is fair and reasonable. Applicant will compete with other passenger stage corporations, taxi cabs, limousines, buses, and automobiles in his service area.

The unaudited Balance Sheet as of January 10, 1999, discloses cash in the amount of \$55,000, real estate of \$800,000; or total assets of \$855,000. Net worth is \$855,000.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar on March 15, 1999 and May 6, 1999, respectively. The applicant notified the affected airports and cities.

In Resolution ALJ 176-3012 dated March 18, 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 176-3012.

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. Applicant is currently authorized to operate an on-call passenger stage corporation (PSC-10140) between the counties of Santa Clara, San Mateo, and San Francisco, on the one hand, and SFO and SJC, on the other hand.
2. Applicant requests to extend his passenger stage authority between: (1) the counties of Santa Clara, San Mateo, and SFO, on the one hand, and OAK, on the other hand and (2) Alameda County, on the one hand, and SFO, SJC, and OAK, on the other hand.
3. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares for the extended service points, as shown in Exhibit A, attached to the amended application. The requested ZORF for current operations will be established based on present fares, published in applicant's Local Passenger Tariff No. 1 and filed with this Commission. The minimum one-way adult fare will be \$5. The ZORF is fair and reasonable.
4. Applicant will compete with passenger stage corporations, taxi cabs, limousines, buses, and automobiles in its operations.
5. Public convenience and necessity requires the proposed service.
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, as amended, should be granted.

2. Public convenience and necessity have been demonstrated.
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 tariff should show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.
5. 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 Shibli Azar (applicant), an individual, authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (Pub. Util.) Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-10149 of Decision 95-12-0135 is amended by replacing Original Pages 2 and 3, with First Revised Pages 2 and 3, 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 \$10 above and below:

- a. The proposed fares for the requested extended service points, as shown in Exhibit A, attached to the amended application.
- b. The present fares published in applicant's Local Passenger Tariff No. 1 filed with this Commission.
- c. The minimum one-way adult fare will be \$5.

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 5 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 the 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 extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-10140), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application, as amended, is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated July 22, 1999, at San Francisco, California.

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

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

Shibli Azar, 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.

Issued by California Public Utilities Commission.

\*Revised by Decision 99-07-044, Application 99-03-017.

SECTION II. SERVICE AREA.

- A. Points and places within the counties of Santa Clara, San Mateo, San Francisco and \*Alameda.
  
- B. San Francisco International Airport.  
San Jose 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 airport described in Section IIB.