

Decision 99-08-009 August 5, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Ehab Elsayed, doing business as West Coast Shuttle & Limo for authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Solano and Contra Costa Counties and the San Francisco, Oakland and San Jose International Airports and to Establish a Zone of Freedom.

Application 99-04-001
(Filed April 1, 1999)

O P I N I O N

Summary

Application of Ehab Elsayad, dba West Coast Shuttle & Limo, for a passenger stage certificate as an airport shuttle operator in the San Francisco Bay area granted.

Discussion

Ehab Elsayad (Applicant), dba West Coast Shuttle & Limo, seeks a certificate of public convenience and necessity to operate a shuttle service between all points in Alameda, Contra Costa, San Francisco, and Solano Counties, on the one hand, and the Oakland, San Francisco, and San Jose International Airports, on the other hand. Applicant also seeks authority to establish zone of rate freedom (ZORF) whereby he may charge fares that are \$8.00 above or below the fares listed in the proposed fares, with a minimum fare of \$5.00 per adult passenger, filed with this application.

Applicant proposes to provide 24 hour, on-call, door-to-door service. Applicant lists two vehicles and intends to obtain two more shuttle vans after receipt of authority from this Commission. Applicant asserts that he has the knowledge and experience to operate shuttle service. He further asserts that he will hire multi-lingual drivers to accommodate the needs of passengers.

The application contains all of the information required by our Rules of Practice and Procedure. However, there are procedural problems that require specific mention. In the Scoping Memo Information for Applications (Information) attached to the application, Applicant indicates that a hearing is necessary. By letter dated May 14, 1999, Applicant's counsel stated that this designation was incorrect and that a hearing should not be necessary. Attached to that letter is an amended Information which claims that a hearing is not necessary. Since there have been no protests to the application we will accept the amended Information.

What was not corrected in the Information is the schedule proposed by Applicant. This schedule shows various dates should a hearing be required, and is data that must accompany all applications filed with the Commission, pursuant to Rule 6. (a)(1) of the Commission's Rules of Practice and Procedure (Rules). In the Information Applicant's counsel proposed that a prehearing conference, hearings, briefs and submission all be on May 1, 1999. We take this opportunity to remind counsel that this is a process that we have undertaken in compliance with an act of the Legislature and should not be taken lightly.

Finally, we note that counsel for Applicant was advised that service had not been made on all city and county governmental entities within whose boundaries passengers will be loaded or unloaded (Rule 21.(k)). By letter dated April 22, 1999, counsel for Applicant asked that this provision be waived, since so many governmental agencies are involved in the four counties in which

authority is being sought. We shall exercise the discretion accorded to us by Rule 87 and grant the waiver requested by Applicant because the Applicant will be providing on-call service, not scheduled service. We suggest that our Staff examine whether there should be an amendment to this Rule in any revision in the future.

Notice of this application appeared in the Commission's Daily Calendar on April 7, 1999. In Resolution ALJ-176-3014, dated April 22, 1999 the Commission preliminarily designated this application as ratesetting and preliminarily determined that a hearing was necessary, as suggested in the Application. By this order we accept as erroneous Applicant's statement that a hearing was necessary, and accept the amended Information provided to us stating that a hearing is not necessary. We affirm the preliminary designation of ratesetting contained in Resolution ALJ 176-3014 and accept and approve the changed determination that a hearing is not necessary.

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 seeks authority to operate as an airport shuttle between all points in Alameda, Contra Costa, San Francisco, and Solano Counties and Oakland, San Francisco, and San Jose International Airports.
2. Applicant possesses the requisite experience and financial backing to operate as a passenger stage corporation in airport shuttle service.
3. Applicant will operate in competition with other airport shuttle operations in the service territory for which he seeks authority.

4. Applicant has submitted a pro forma income statement for the first year indicating an anticipated net profit.

Conclusions of Law

1. A hearing is not necessary.
2. The application for a certificate of public convenience and necessity should be granted.
3. The ZORF requested in the application should be granted.
4. The waiver of Rule 21.(k) requested by Applicant should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Ehab Elsayad (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 routes set forth in Appendix PSC-10050 subject to the conditions contained in the following paragraph.
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. § 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 fares shown in Exhibit C attached to the application with a minimum fare of \$5.00 per adult passenger.

4. Applicant shall file a ZORF tariff 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 tariff 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-10050), granted herein to the Applicant, expires, unless exercised within 120 days after the effective date of this order.

10. The service requirement on all governmental entities where passengers may be loaded or unloaded is waived.

11. The Application is granted as set forth above.

12. This proceeding is closed.

This order is effective today.

Dated August 5, 1999, at San Francisco, California.

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

RSCD/mm

Appendix PSC-10050

Ehab Elsayad
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10050

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 99-08-009,
dated August 5, 1999, of the Public Utilities Commission of the State of
California in Application 99-04-001.

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

Ehab Elsayad, 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 the airports named in Section IIB unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Within points and places in the City and County of San Francisco and the Counties of Alameda, Solano, and Contra Costa.

- B. Oakland International Airport.
San Jose International Airport.
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 any of the airports described in Section IIB.