

Decision 99-10-009 October 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Saeid Vakili, dba Atlas Express, for expansion of existing service areas to operate a passenger stage service between points within the counties of Alameda and Santa Clara, San Mateo, to Oakland International Airport, San Francisco International and San Jose International Airports.

Application 99-03-037
(Filed March 19, 1999)

O P I N I O N

Summary

This decision grants the application of Saeid Vakili (applicant), an individual, doing business as Atlas Express, under Pub. Util. Code § 1031 et seq., to extend his certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized to operate an on-call passenger stage corporation (PSC-11340) pursuant to Decision (D.) 98-02-025 between certain points in the counties of Santa Clara, Alameda, and San Mateo, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand.

Applicant requests to extend his service to additional cities specified in Exhibit B, located in the counties of Santa Clara, Alameda, and San Mateo, on the one hand, and SFO, OAK, and SJC, on the other hand. Applicant currently uses an eight-passenger van in his passenger stage operations and will add vehicles as needed to provide adequate service in the proposed area. The proposed fares between the extended points, shown in Exhibit D, range from \$29 (Palo Alto-SJC)

to \$99 (Gilroy-SFO). Exhibit D also specified fares between his current service points that are higher than published in his tariff filed with the Commission. Applicant stated in his letter of May 13, 1999, that he is not requesting to increase his present fares.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 23, 1999. Applicant notified the affected airports and cities.

In Resolution ALJ 176-3013 dated April 1, 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 176-3013.

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. Applicant is currently authorized to operate an on-call passenger stage corporation, PSC-11340, pursuant to D.98-02-025 between certain points in the counties of Santa Clara, Alameda, and San Mateo, on the one hand, and SFO, OAK, and SJC, on the other hand.
2. Applicant requests to extend his passenger stage authority between the named cities or communities specified in Exhibit B, located in the counties of Santa Clara, Alameda, and San Mateo, on the one hand, and SFO, OAK, and SJC, on the other hand.
3. Exhibit D to the application included fares between currently authorized points that are higher than published in Applicant's tariff filed with the

Commission. In his letter of May 13, Applicant stated he is not requesting to increase his current fares.

4. Public convenience and necessity requires the proposed service.
5. No protests to the application have been filed.
6. A public hearing is not necessary.
7. 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 by letter of May 13, 1999, should be granted.
2. Applicant is not requesting to increase his current fares.
3. Public convenience and necessity has been demonstrated.
4. 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 Saeid Vakili (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-11340 of Decision 98-02-025 is amended by replacing Original Page 3, with First Revised Page 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. 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.

4. 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.

5. The extension of the certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-11340), granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter of May 13, 1999, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated October 7, 1999, at Los Angeles, California.

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

SECTION II. SERVICE AREA.

- A. 1. Within the cities or communities of: San Jose, Sunnyvale, *Campbell, *Cupertino, *Gilroy, *Los Gatos, *Milpitas, *Morgan Hill, Mountain View, *Los Altos, *Palo Alto, *Santa Clara, and *Saratoga, located in Santa Clara County.
2. Within the cities or communities of: Berkeley, Fremont, Oakland, *Alameda, and *Hayward, located in Alameda County.
3. Within the cities or communities of: Belmont, San Carlos, *Menlo Park, *Redwood City, and *San Mateo, located in San Mateo County.
- 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.

Issued by California Public Utilities Commission.

*Added by Decision 99-10-009, Application 99-03-037.