

Decision 99-11-013 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Akroush Enterprises, LLC, for authority to operate an on-call, door-to-door, passenger stage between points Los Angeles and Ventura counties, on the one hand, and Los Angeles International Airport (LAX), Burbank Airport (BUR), Los Angeles Amtrak Station, Los Angeles/Long Beach Harbors, Westchester and Downtown Los Angeles, described in the body of the application, on the other hand, pursuant to the provisions of Section 1031, et. seq., of the California Public Utilities Code.

Application 99-08-007
(Filed August 2, 1999)

O P I N I O N**Summary**

This decision grants the application of Akroush Enterprises, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et. seq., for a certificate of public convenience and necessity to operate a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant proposes to operate an on-call PSC transporting passengers and their baggage between points and places in the counties of Los Angeles and Ventura, on the one hand, and Los Angeles International (LAX), Burbank (BUR), Los Angeles/Long Beach Harbors (HBR), Los Angeles Amtrak/Union Station (AMTRK), Downtown Los Angeles (LA-DNT), and Westchester-Los Angeles (LA-WST), on the other hand. The service will be operated 24 hours per day,

seven days a week. Applicant will utilize six 7-passenger vans for the service. The proposed fares, as listed in Exhibit B to the application, range from \$10 (Glendale – BUR) to \$115 (Lancaster – HBR). Exhibit D is the unaudited Balance Sheet as of June 30, 1999, that discloses: total assets of \$378,820; total liabilities of \$18,700; and net worth of \$360,120.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 9, 1999. The Applicant notified the affected cities and transit agencies.

In Resolution ALJ 176-3022 dated September 2, 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 176-3022.

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 to operate as an on-call PSC to transport passengers and their baggage between points and places in the counties of Los Angeles and Ventura, on the one hand, and LAX, BUR, HBR, AMTRK, LA-DNT, and LA-WST, on the other hand.
2. No protests to the application have been filed.
3. A public hearing is not necessary.

4. 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 should be granted.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

3. 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 Akroush Enterprises, LLC (Applicant), a limited liability company, 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-12720, 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 vehicles for service.
5. The certificate of public convenience and necessity to operate as a passenger stage corporation (PSC-12720), granted herein, expires, unless exercised within 120 days after the effective date of this order.
6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated November 4, 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-12720

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 99-11-013, dated November 4, 1999, of the
Public Utilities Commission of the State of California in Application 99-08-007.

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Decision 99-11-013, Application 99-08-007.

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

Akroush Enterprises, LLC, a limited liability company, 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 points and places 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.

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SECTION II. SERVICE AREA.

A. Within points and places in the counties of:

1. Los Angeles
2. Ventura.

B. Airports, Harbors, and Downtown Los Angeles.

1. Los Angeles International Airport.
2. Burbank Airport.
3. Westchester Los Angeles is described as the points within the geographical limits of U.S. Postal Zip Code 90045.
4. Los Angeles Harbor and Long Beach Harbor.
5. Los Angeles AMTRAK/Union Station.
6. Downtown Los Angeles is described as the points and places within the geographical limits of the following U.S. Postal Zip Codes: 90007, 90012, 90013, 90014, 90015, 90071, and 90089.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to the points described in Section IIB.

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