



FILED
07-23-10
10:41 AM

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

Application of Accelar, Inc. to operate as a)
scheduled Passenger Stage Corporation)
between points in San Francisco, Marin,)
Sonoma, Napa, Alameda, Contra Costa, Solano,)
San Mateo, Santa Clara, Sacramento, Yolo,)
Placer, El Dorado, San Joaquin, Stanislaus,)
Merced, and Fresno Counties in the State of)
California, and to Establish a Zone of Rate)
Freedom for its services.)
-----)

APPLICATION NO.
A.10-06-009

**PROTEST BY BAUER'S LIMOUSINE SERVICE, INC.
TO APPLICATION NO. 10-6-009**

Comes now Bauer's Limousine Service, Inc. and submits the following protest to the application by Accelar, Inc. to operate as a passenger stage corporation in California. Protestant asks that applicant not be authorized by the Public Utilities Commission to operate as a passenger stage corporation between designated points in Northern California as requested in Application No. AI006009.

In connection with this protest, all notices, correspondence, and communications pertinent to the protest should be addressed to:

Gary Bauer
Bauer's Limousine Service, Inc.
Pier 27 Embarcadero
San Francisco, California 94111
(415) 522-1212 x1003
facsimile: (415) 263-4033

Bauer's Limousine Service, Inc. ("BLS") is a corporation in good standing and is certified by the Public Utilities Commission to operate as a passenger stage corporation

under permit no. TCP 8361A and license no. PSC-8361. The principal place of business of BLS is San Francisco, California. Gary Bauer, president of BLS is an active member in good standing in the. American Public Transit Association (APTA), the Bay Area Travel Association, the California Association for Coordinated Transportation (CaIACT), the California Bus Association, the California Transit Association (CTA), the National Limousine Association (NLA), the San Francisco Chamber of Commerce, and the United Motor Coach Association (UMA). Thus BLS is ideally situated to provide the P.U.C. with insight on the potential impacts of the application being granted as proposed. BLS believes and asserts that the application should be denied for the following reasons:

1. Applicant would be unable to insure compliance with environmental regulations. Applicant essentially is a travel agency with no fleet of vehicles and no personnel with responsibility for safety and/or environmental compliance. It is the intention of applicant to subcontract its work to smaller carriers. Accordingly, it will be difficult, if not impossible, for enforcement agencies, including the P.U.C. and California Highway Patrol, to insure that vehicles operating under the Accelar permit, if granted, would meet federal and state requirements for air quality, fuel economy, and use of fuels/materials regulated by the U.S. Environmental Protection Agency.

2. Applicant would be unable to insure compliance with safety regulations. Since applicant essentially is a travel agency with no fleet of vehicles, it will be difficult, if not impossible, for enforcement agencies, including the P.U.C. and California Highway Patrol, to insure that all vehicles operating under the Accelar permit meet California regulations for safe carriage of persons. On information and belief, applicant already has attempted to place one non-SPAB certified driver on a contract requiring that the driver be SPAB certified. (See protest submitted concurrently by Royal Coach, Inc.) Due to applicant's poor reputation in the transportation community, it is unlikely that reputable carriers would be willing to enter into subcharters with applicant. As a consequence, it is likely that operations under the permit would be conducted by smaller, less reputable companies who hire less experienced drivers and more frequently have uneven records in insurance, licensure, and safety compliance. Additionally, since applicant lacks any dispatch operation, it will be impossible for applicant to even coordinate a prompt

response to any incident involving one of its subchartered contracts in which the public is or may be put at risk.

3. Applicant would be unable guarantee proper licensure of persons driving under its permit. Again, due to applicant's poor reputation in the transportation community, it is unlikely that reputable carriers would be willing to enter into subcharters with applicant. Operations under the permit would be conducted by smaller, less reputable companies whose drivers may never have held the proper Class A and B commercial licenses or hold lapsed licenses. Problems with licensure are a recurring problem with subcontractors in the transportation industry, particularly with smaller operations. There is, moreover, no practical way to verify the licensure of a driver of a subchartered motor coach in advance because the identity of the assigned driver typically is known only to the subcontractor until the run begins. Larger companies and/or companies with dedicated fleets typically do not have similar problems with licensure because such companies use employee drivers whose licensure and driving records can be continuously monitored as a condition of employment.

4. According to applicant's website at <http://www.accelarinc.com/team.asp>, the CEO and chairman of Accelar, Inc. is Kumar Shah. Mr. Shah also was the CEO and chairman of El Camino Charter Lines, Inc., a company that declared bankruptcy on June 2, 2010. A copy of the face page and signature page of the El Camino petition is attached hereto. It is the understanding of BLS based information obtained that Mr. Kumar was and/or is primary or sole shareholder in both companies. At the time of its bankruptcy filing, El Camino listed assets of \$1,000,000.00 to \$10,000,000.00 and liabilities of \$1,000,000.00 to \$10,000,000.00. It is common knowledge in the transportation industry that the bankruptcy of El Camino will leave numerous creditors without recourse. The application by Accelar denotes that applicant will be attempting to carry on the business of El Camino Charter without making any provision for the payment of creditors of that company. Moreover, there is no indication that applicant will be any more successful in its recent business venture than under its prior incarnation as El Camino Charter Lines. Should applicant become unable to conduct operations, it will again leave large numbers of creditors without recourse and at the risk of a simple reorganization by its principal(s).

5. Given the foregoing, issuance of a permit to applicant at this time, in the opinion of BLS, would put both the general public and potential contracting partners of applicant at substantial risk of irreparable injury.

On behalf of Bauer's Limousine Service, I declare under penalty of perjury that The foregoing is true and correct. Executed on July 19, 2010 in San Francisco, California

/s/ Gary Bauer

Gary Bauer
President
Bauer's Limousine Service
TCP 8361A/PSC-8361

**United States Bankruptcy Court
Northern District of California**

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): El Camino Charter Lines, Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all): 94-1525106	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN(if more than one, state all):
Street Address of Debtor (No. & Street, City, and State): 214 Shaw Road, Suite T South San Francisco, CA ZIP CODE 94080	Street Address of Joint Debtor (No. & Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business: San Mateo	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP CODE	Mailing Address of Joint Debtor (if different from street address): ZIP CODE

Location of Principal Assets of Business Debtor (if different from street address above):
214 Shaw Road, Suite T, South San Francisco, CA ZIP CODE **94080**

Type of Debtor (Form of Organization) (Check one box.) <ul style="list-style-type: none"> <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) 	Nature of Business (Check one box) <ul style="list-style-type: none"> <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(S1B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other 	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <ul style="list-style-type: none"> <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Tax-Exempt Entity (Check box, if applicable) <ul style="list-style-type: none"> <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code.) 		Nature of Debts (Check one box) <ul style="list-style-type: none"> <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. 	Chapter 11 Debtors <p>Check one box:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). <p>Check if:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). <p>Check all applicable boxes</p> <ul style="list-style-type: none"> <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <ul style="list-style-type: none"> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. 	THIS SPACE IS FOR COURT USE ONLY																			
Estimated Number of Creditors <table style="width:100%; text-align: center;"> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1,000-5,000</td> <td>5,001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>50,001-100,000</td> <td>Over 100,000</td> </tr> </table>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	Over 100,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
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Estimated Assets <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion											
Estimated Liabilities <table style="width:100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 million</td> <td>\$500,000,001 to \$1 billion</td> <td>More than \$1 billion</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
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Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): El Camino Charter Lines, Inc.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (if more than two, attach additional sheet.)			
Location Where Filed: NONE	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (if more than one, attach additional sheet)			
Name of Debtor: NONE	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<p style="text-align: center;">Exhibit A</p> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)	<p style="text-align: center;">Exhibit B</p> (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).		
<input type="checkbox"/> Exhibit A is attached and made a part of this petition.	<input checked="" type="checkbox"/> Not Applicable Signature of Attorney for Debtor(s) _____ Date _____		
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.			
<input checked="" type="checkbox"/> No			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following).			
_____ (Name of landlord that obtained judgment)			
_____ (Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(f)).			

JOSE E. GUZMAN, JR.
ATTORNEY AT LAW
NOSSAMAN LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO, CA 94111-4799
FOR: ACCELAR, INC.

Information Only

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ONE SOUTH VAN NESS AVENUE, 7TH FLOOR
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FOR: SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

State Service

PAUL WUERSTLE
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ROBERT A. BARNETT
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