

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Maurice W. Mussad, dba Alpha Omega Shuttle Services for a Certificate of Public Convenience and Necessity to operate as an on-call, door-to-door, passenger stage service between the following points: San Diego International Airport, San Diego Cruises Ship Terminal, and the City of San Diego, and points in the Counties of San Diego, Los Angeles, Orange and Riverside; and to establish a Zone of Rate Freedom.

Application 12-11-014
(Filed November 1, 2012)

D E C I S I O N**Summary**

This decision grants the application of Maurice W. Mussad, dba Alpha Omega Shuttle Services, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Pub. Util. Code § 226.

Discussion

The application requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage between San Diego International Airport, San Diego Cruises Ship Terminal, and the City of San Diego on the one hand, and points in the counties of San Diego, Los Angeles, Orange, and Riverside, on the other hand. Applicant states there has been an increase in passenger traffic from these locations and growth is expected to continue in the foreseeable future. Airport expansion is still underway in San Diego with multiple parking lots unavailable for use. This, along with the

expansion will result in an increased need for multi-passenger services. Increased parking fees and shortages of parking areas during peak travel periods have caused a large number of the public to desire and seek alternative for hire van shuttle door to door services.

Applicant provides Transportation Charter Party (TCP) services under TCP 24824-P since 2009 and is in good standing with PUC. Applicant has 15 years of service in the transportation industry as a driver and owner operator of shuttles.

Attached to the application as Exhibit F is the balance sheet of Applicant, which shows assets of \$33,000, liabilities of \$925, with a net worth of \$32,075.

Applicant will operate the service with a 9 passenger van, as shown on Exhibit D of the application. Transportation will be offered on an on-call basis. The proposed one-way fares between the points to be served, as shown in Exhibit B of the application, range between \$10 (San Diego Downtown) and \$130 (Julian). Under its TCP #24824-P authority, applicant proposes to charge \$255 for exclusive ride service from San Diego Airport to Los Angeles Airport (LAX). Discounts will be offered for certain prepaid roundtrip fares purchased by Internet, and for passengers traveling together in a group (3 persons and up).

Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$10 above and below the proposed fares. The minimum fare will be \$5. Applicant will compete with other PSCs, public transit, taxicabs, limousines, and charter bus lines. This competitive environment should result in Applicant pricing its services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 27, 2012. Applicant requests a waiver from the

provisions of Rule 3.3(b) of the Commission's Rules of Practice and Procedure which require service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice of the application to the involved counties and cities, and sent a copy of the application to the major public transit operators in the service area. Applicant believes the Commission's Daily Calendar provides adequate notice to parties that may have an interest in PSC applications. We shall exercise the discretion accorded to us by Rule 1.2 and grant the waiver requested by Applicant because it will be providing on-call service, not scheduled service, and service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3305 dated November 29, 2012, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3305.

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.

Safety Considerations

In order to be authorized to commence operations as a passenger stage corporation, the applicant must comply with the following requirements in order to protect public safety: Proof of adequate insurance, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Emory Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between San Diego International Airport, San Diego Cruises Ship Terminal, and the City of San Diego on the one hand, and points in the counties of San Diego, Los Angeles, Orange, and Riverside, on the other hand.

2. Public convenience and necessity requires the proposed service.

3. Applicant requests authority to establish a ZORF of \$10 above and below the proposed fares described in Exhibit G of the application. The minimum fare will be \$5.

4. Applicant will compete with other PSCs, taxicabs, public transit, and private automobiles in his operations. The ZORF is fair and reasonable.

5. Applicant requests a waiver of the notice requirements of Rule 3.3(b) of the Rules of Practice and Procedure as he has served a notice of the application to the cities and the transportation planning agencies in the service area.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request to waive the notice requirements of Rule 3.3(b) should be granted.

3. The request for a ZORF should be granted.

4. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

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

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity is granted to Maurice W. Mussad, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-24824, subject to the conditions contained in the following paragraphs.

2. Maurice W. Mussad shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. They shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.

- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
 - g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.
3. Maurice W. Mussad is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom) of \$10 above and below the proposed fares described in the application. The minimum fare will be \$5.
4. Maurice W. Mussad shall file a Zone of Rate Freedom (ZORF) tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.
5. Maurice W. Mussad may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.
6. In addition to posting and filing tariffs, Maurice W. Mussad shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.
7. Maurice W. Mussad (Applicant) is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph No. 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

8. Before beginning service to any airport, Maurice W. Mussad (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.

9. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation - 24824, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-24824

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.

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

Maurice W. Mussad, dba Alpha Omega Shuttle, 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 the points described in Section II, over the routes 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 shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. Service shall be provided only at the points named in Section II.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. San Diego International Airport, San Diego Cruises Ship Terminal, and the City of San Diego
- B. Points in the Counties of San Diego, Los Angeles, Orange, and Riverside

SECTION III. ROUTE DESCRIPTION.

Commencing from San Diego International Airport, San Diego Cruises Ship Terminal, and the City of San Diego, then over the most convenient streets and highways to Points in the Counties of San Diego, Los Angeles, Orange, and Riverside.