

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application Swaran Singh to sell and transfer his ownership of Atlas Express (PSC-24209) to Chainchal Singh Uppal and to establish a Zone of Rate Freedom.

Application 12-12-015
(Filed December 17, 2012)

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

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851, et seq., a Passenger Stage Corporation certificate from Swaran Singh, an individual, to Chainchal Singh Uppal, an individual.

Discussion

Swaran Singh (Transferor) holds a certificate granted originally by Decision (D.) 98-02-025, as revised by D.99-10-009 and D.09-03-010, to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage between certain cities in Alameda, San Mateo, and Santa Clara Counties, on the one hand, and San Francisco International (SFO), Oakland International (OAK), and San Jose International (SJC) Airports, on the other hand. Transferor requests approval to transfer certificate PSC-24209 to Chainchal Singh Uppal (Transferee). Transferor desires to leave the transportation business as he will be out of the country for an extended period of time.

The proposed transaction is described in the Purchase and Sale Agreement attached to the application as Exhibit A. Transferee has agreed to purchase the certificate for \$5,000. The application requests approval of the transfer of

certificate PSC-24209. Transferee advises he has the knowledge and ability to assume operation of Transferor's PSC business. He has over five years' experience as an owner and operator of a motor carrier of passenger service. Transferee will operate with one 8-passenger van. His unaudited balance sheet discloses assets of \$845,000, liabilities of \$250,000, and net worth of \$595,000.

Transferor is not currently authorized to publish Zone of Rate Freedom (ZORF) fares in his tariff on file with the Commission. Applicant requests authority to establish a ZORF of \$15 above and below fares of \$30 and under and \$25 above and below fares over \$30. The minimum fare will be \$5. It will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in its service area. This highly 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 December 26, 2012.

In Resolution ALJ 176-3307 dated January 10, 2013, 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 176-3307.

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 PSC, the Transferee must comply with the following requirements in order to protect public safety: Proof of insurance per General Order Series 101, 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 J. Hagan, III is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor holds a PSC certificate granted by D.98-02-025, as revised by D.99-10-009 and D.09-03-010.
2. Transferor requests approval to transfer certificate PSC-24209 to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. Transferee requests authority to establish a ZORF of \$15 above and below fares of \$30 and under and \$25 above and below fares over \$30.
5. Transferee will compete with PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in its operations.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. 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 proposed transfer is in the public interest and should be authorized.

2. The request for a ZORF should be granted because the ZORF is fair and reasonable.

3. Before Transferee changes any fares under the ZORF authorized below, Transferee 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.

4. Because 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. Within 120 days from the effective date of this decision, Swaran Singh, an individual, may transfer the operative rights specified in this application to Chainchal Singh Uppal, an individual, subject to the conditions contained in the following paragraphs.

2. Chainchal Singh Uppal shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service within 120 days after this decision is effective, adopt Transferor's tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this decision is effective and allow at least 10 days' notice to the Commission.
- c. Comply with Commission's General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.

- e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- g. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Chainchal Singh Uppal (Transferee) is authorized to begin operations on the date the Safety and Enforcement Division mails a notice to Transferee that his evidence of insurance and other documents required by Ordering Paragraph No. 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Transferee's vehicles for service.

4. Chainchal Singh Uppal is authorized under Pub. Util. Code § 454.2 to establish a Zone of Rate Freedom of \$15 above and below the proposed fares of \$30 and under and \$25 above and below fares over \$30.

5. Chainchal Singh Uppal 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.

6. Chainchal Singh Uppal may make changes within the Zone of Rate Freedom 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.

7. In addition to posting and filing tariffs, Chainchal Singh Uppal shall post notices explaining fare changes in its 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.

8. The Certificate of Public Convenience and Necessity granted to Swaran Singh by Decision (D.) 98-02-025, as revised by D.99-10-009 and D.09-03-010, is revoked on the date Chainchal Singh Uppal is notified that he may commence operations as provided in Ordering Paragraph No. 3.

9. Before beginning service to any airport, Chainchal Singh Uppal (Transferee) shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

10. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Certificate (PSC-30201), granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

11. The Application is granted as set forth above.

12. This proceeding is closed.

This decision is effective today.

Dated _____, at Carmel-by-the-Sea, California.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-30201

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.

Supersedes the authority heretofore granted to Chainchal Singh Uppal,
an individual, by Decision 98-02-025, as revised by D.99-10-009 and D.09-03-010.

Issued under authority of Decision _____, dated _____, of the
Public Utilities Commission of the State of California in Application 12-12-015.

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

This certificate supersedes all passenger stage operative authority granted to Chainchal Singh Uppal.

Chainchal Singh Uppal, 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 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. 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 any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. 1. Points in the following cities located in Santa Clara County:
Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas,
Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara,
Saratoga, and Sunnyvale.
- 2. Points in the following cities located in Alameda County:
Alameda, Berkeley, Fremont, Hayward, and Oakland.
- 3. Points in the following cities located in San Mateo County:
Belmont, Menlo Park, San Carlos, San Mateo, and Redwood
City.
- B. San Francisco International Airport (SFO).
Oakland International Airport (OAK).
San Jose International Airport (SJC).

SECTION III. ROUTE DESCRIPTION.

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