

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Seyed KH Tarri, dba Prompt Shuttle (PSC11696) for authority to expand its Certificate of Public Convenience and Necessity to include the following counties: San Bernardino, Riverside, portions of the county of Los Angeles and certain points in the county of San Diego, and the John Wayne (SNA) Airport; and to make changes in existing rates for Orange County; and to establish a Zone of Rate Freedom.

Application 13-09-007
(Filed September 12, 2013)

D E C I S I O N G R A N T I N G A P P L I C A T I O N**Summary**

This decision grants the application of Seyed K. H. Tarri, doing business as Prompt Shuttle (Applicant), an individual, pursuant to Pub. Util. Code §§ 1031, et seq., to expand its Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226. Applicant is authorized to increase rates for Orange County, apply the rates proposed for the expanded service in the application, and to apply a Zone of Rate Freedom of plus \$5 above and \$5 below to the proposed medium fares pursuant to Pub. Util. Code § 454.2.

Discussion

Seyed K. H. Tarri¹, doing business as Prompt Shuttle (Applicant), currently is authorized pursuant to Decision (D.) 01-09-004 to transport passengers and their baggage on an on-call basis between certain cities in Orange County to John Wayne Airport (SNA). The application requests authority to expand the on-call Passenger Stage Certificate authority from additional cities in Los Angeles County, San Bernardino County, Riverside County and San Diego County to SNA. Applicant will provide free ride for the fifth and sixth passenger of the same group to encourage ride sharing to the airport, which will result in a benefit to the environment and reduction of private vehicles on the road. A California Environmental Quality Act review is not required because it will not have a significant adverse effect on the environment. The application also proposes increased fares for Orange County, and new fares for the expanded service.

Applicant reports the addition of several new terminals and domestic airlines to SNA is increasing demand for on-call PSC service to points beyond its currently authorized service territory. Applicant indicates it has the experience and ability to operate the requested service. Applicant has provided on-call service for 11 years. Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of March 15, 2013, which discloses assets of \$72,900, liabilities of \$4,800, and equity of \$68,100.

¹ Applicant was issued certificate PSC11606 by D.01-09-004 under the name Seyed K. H. Tarri. The same name (with periods after the initials K and H) will be used for the amended certificate.

The proposed fares for the expanded service are listed in Exhibit A of the application. Current fares range from \$16 (Irvine) and \$30 (San Clemente). Proposed fares range from \$25 (Red Hill in Orange County to SNA) to \$240 (Twenty-nine Palms in San Bernardino County to SNA). Applicant requests authority to create a Zone of Rate Freedom (ZORF) to the expanded service, namely \$5 above the proposed medium fare, and \$5 below the proposed medium fare. The minimum fare will be \$20. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its service area. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on September 13, 2013. Applicant served a notice of the application to affected airports, cities and counties, and transit authorities.

In Resolution ALJ 176-3322 dated September 19, 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 176-3322.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant 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. Applicant operates as an on-call PSC pursuant to D.01-09-004 between certain cities in Orange County and SNA.
2. The application requests authority to expand applicant's PSC authority to include service between cities in San Bernardino County, Riverside County, Los Angeles County, San Diego County, and SNA.
3. The application also requests an increase in fares for Orange County and to apply new fares for the expanded service.
4. The application requests authority to establish a ZORF of \$5 above and \$5 below the proposed medium fares. The minimum fare will be \$20.
5. Applicant will compete with PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its operations. The request to apply the ZORF to the service points is reasonable.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

Conclusions of Law

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

2. The request to apply a ZORF of \$5 above and \$5 below the proposed medium fares to the expanded service should be granted because the ZORF is fair and reasonable.

3. Before Applicant changes any fares under the authorized ZORF, 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.

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. The Certificate of Public Convenience and Necessity granted to Seyed K.H. Tarri, dba Prompt Shuttle, an individual, authorizing him to operate as a Passenger Stage Corporation (PSC-11696), 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-11696 of Decision 01-09-004, is revised by replacing Original Pages 2 through 3 with First Revised Pages 2 through 3, subject to the conditions contained in the following Ordering Paragraphs.

2. Seyed K.H. Tarri, dba Prompt Shuttle, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded 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 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. Failure to comply with this filing will result in suspension and/or revocation of authority.
- 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 Section 1808.1 of the Vehicle Code.

3. Seyed K.H. Tarri, dba Prompt Shuttle, is authorized to apply a Zone of Rate Freedom for its current and expanded services of \$5 above and \$5 below the proposed medium fares. The minimum fare will be \$20.

4. Seyed K.H. Tarri, dba Prompt Shuttle, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The authority to apply the ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Seyed K.H. Tarri, dba Prompt Shuttle, may make changes within the Zone of Rate Freedom by filing amended tariffs with the Commission and the public at least ten days before the effective date of the tariff. 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, Seyed K.H. Tarri, dba Prompt Shuttle, 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.

7. Seyed K.H. Tarri, dba Prompt Shuttle (Applicant), is authorized to begin operating the expanded service 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 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to John Wayne Airport (SNA), Seyed K.H. Tarri, dba Prompt Shuttle (Applicant), shall notify the SNA's governing body. Applicant shall not operate into or on SNA property unless such operations are authorized by the SNA's governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC-11696), 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.

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

Seyed K. H. Tarri, 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 IIA and the airport described in Section IIB, 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. Points and places in the Orange County, San Bernardino County, Riverside County, portions of Los Angeles County, and certain points in San Diego County.

- B. John Wayne Airport

SECTION III. ROUTE DESCRIPTION.

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