

Decision_____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of (1) the Application of Abdulaziz Al Khamri, to transfer Best Way Shuttle PSC Certificate 20945 to Saeed O. Ibrahim, and (2) the Application of Saeed O. Ibrahim to expand the existing passenger stage corporation authority PSC Certificate 20945 to serve the Counties of Solano, Napa, Santa Clara, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, and Sacramento, (3) to Grant a ZORF (zone of rate freedom) for all fares authorized and (4) grant the fares requested herein and authorize increases of the fares to and from presently authorized Counties.

Application 14-08-017
(Filed August 11, 2014)

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 Abdulaziz Al Khamri to transfer, pursuant to Pub. Util. Code §§ 851, et seq., PSC Certificate 20945, a passenger stage corporation certificate, to Saeed O. Ibrahim, an individual, and grants the Application of Saeed O. Ibrahim, to expand the existing passenger stage corporation authority to serve the Counties of Solano, Napa, Santa Clara, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz and Sacramento. The Zone of Rate Freedom and fare increases requested herein are granted. This proceeding is closed.

Discussion

Abdulaziz Al Khamri (Transferor), an individual, is authorized by Decision (D.) 06-10-046 to operate as an on-call passenger stage corporation (PSC) to transport passengers and their baggage between points in Alameda, Contra Costa, and San Francisco Counties, on the one hand, and San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand. Khamri does business as Best Way Shuttle.

The application requests approval to transfer certificate PSC-20945 from Transferor to Saeed O. Ibrahim (Transferee), an individual, for cash in the sum of \$2,000. The proposed sale and transfer is not adverse to the public interest and should be granted.

Transferee also seeks to expand the existing passenger stage corporation service to serve the following counties: Solano, Napa, Santa Clara, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, and Sacramento. Transferee also proposes to serve San Jose International Airport (SJC). The proposed expansion of the service area should be approved.

Exhibit B to the Application is a map showing the points and areas proposed to be served. The proposed fares, listed in Exhibit C of the application, range between \$45 (Foster City in San Mateo County to SFO) and \$295 (Sacramento to SFO). Transferee requests to increase fares in the existing three-county territory. Transferee further seeks to establish a Zone of Rate Freedom (ZORF) of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers.

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. The requested ZORF should be granted.

Attached to the application as Exhibit F is an unaudited balance sheet for Transferee that discloses assets of \$62,500, zero liabilities, and net worth of \$62,500.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 20, 2014.

In Resolution ALJ 176-3341 dated August 28, 2014, 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 176-3341.

Safety Considerations

In order to be authorized to commence operations as a PSC, the L.C. 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.

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.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is an individual Abdulaziz Al Khamri that is authorized to operate as PSC 20945 pursuant to D.06-10-046.
2. Transferee is an individual Saeed O. Ibrahim.
3. Transferor has agreed to sell certificate PSC 20945 and Best Way Shuttle business and related good will to Transferee for cash in the sum of \$2,000.
4. This application seeks approval to transfer certificate PSC-20945 from Transferor to Transferee.
5. The proposed sale and transfer will not be adverse to the public interest.
6. Transferee requests authority to expand passenger stage corporation service to the Counties of Solano, Napa, Santa Clara, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz and Sacramento.
7. Transferee proposes new fares for the expanded territory, and increased fares for the existing territory.
8. Transferee requests a ZORF of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers.
9. No protest to the application has been filed.
10. A public hearing is not necessary.
11. 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 because granting the transfer of the certificate does not change the service.

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.
3. Because the matter is uncontested, the decision should be effective immediately.
4. 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 these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Abdulaziz Al Khamri may transfer the operative rights specified in this application to Saeed O. Ibrahim, an individual, subject to the conditions contained in the following Ordering Paragraphs.
2. Saeed O. Ibrahim (Transferee), an individual, shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service within 120 days after this order 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 order is effective and allow at least 10 days' notice to the Commission.
 - c. Comply with 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.
 - 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.

- e. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- f. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Saeed O. Ibrahim (Transferee), an individual, is authorized to begin operations on or after the date that the Safety and Enforcement Division mails a notice to Transferee that its 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. Saeed O. Ibrahim, an individual, is authorized to establish a zone of rate freedom of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers.

5. The certificate of public convenience and necessity granted to Abdulaziz Al Khamri, an individual, by Decision 06-10-046 is revoked on the date Saeed O. Ibrahim, an individual, is notified that he may commence operations as provided in Ordering Paragraph No. 3.

6. Before beginning service to San Francisco International Airport, Oakland International Airport, or San Jose International Airport, Saeed O. Ibrahim (Transferee), an individual, shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

7. The certificate of public convenience and necessity to operate as PSC-34342, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated March 26, 2015, at San Francisco, California.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-34342

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
Abdulaziz Al Khamri by Decision 06-10-046.

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

This certificate supersedes all passenger stage operative authority granted to Abdulaziz Al Khamri, an individual.

Saeed O. Ibrahim, 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. Points in the Counties of Alameda, Contra Costa, San Francisco, Solano, Napa, Santa Clara, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, and Sacramento.
- B. San Francisco International Airport.
Oakland International Airport.
San Jose International Airport

SECTION III. ROUTE DESCRIPTION.

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