

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Zahid Hussain Chaudhary, dba ABC Shuttle, Transferor, (1) to Transfer his PSC Certificate 20431 to Transferee, ABC Shuttle & Service, Inc., a California corporation, and (2) to Expand PSC Authority to include Sonoma County; and to establish a Zone of Rate Freedom

Application 14-11-005
(Filed November 12, 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 to transfer, pursuant to Pub. Util. Code §§ 851, et seq., a passenger stage corporation certificate from Zahid Hussain Chaudhary, an individual, to ABC Shuttle & Service, Inc., a California corporation. The service expansion and Zone of Rate Freedom requested herein are granted.

Discussion

Zahid Hussain Chaudhary, an individual (Transferor), is authorized by Decision (D.) 10-07-037 to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage on an on-call basis between points in Alameda, Contra Costa, Marin, Napa, San Joaquin, San Mateo, Santa Clara, San Francisco and Solano Counties, and San Francisco (SFO), Oakland (OAK) and San Jose (SJC) International Airports. Transferor does business as ABC Shuttle.

The application requests approval to transfer certificate PSC-20431 from Transferor to ABC Shuttle & Limousine Service, Inc. (Transferee), a California

corporation. Transferee is a corporation wholly owned by the Transferor and his three sons. Transferor will be president and chief operating officer of the Transferee. Service will continue as operated in the past.

Attached to the application as Exhibit D is an unaudited balance sheet as of August 15, 2014 for Transferor that discloses assets of \$214,000, and no liabilities. Transferor states that these funds will be available to Transferee. A Pro-Forma income statement for the first year of operation of the Transferee indicates a net profit of \$26,525.

Transferee proposes to extend service to Sonoma County; Proposed fares will range from \$95 (Petaluma to SFO) to \$275 (Santa Rosa to SJC).

Transferee seeks to establish a Zone of Rate Freedom (ZORF) of \$25 above and below authorized fares.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 19, 2014.

In Resolution ALJ 176-3346, dated November 20, 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 176-3346.

A California Environmental Quality Act review is not required for this decision because the proposed service will reduce the number of private vehicles on the highways and granting the transfer will have no significant adverse effect on the environment.

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

Elizaveta Malashenko is the assigned Examiner in this proceeding.

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.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.10-07-037.
2. Transferee is ABC Shuttle & Limousine Service, Inc., a California corporation.
3. Transferor is the president and chief operating officer of Transferee.
4. This application seeks approval to transfer certificate PSC-20431 from Transferor to Transferee.
5. Transferee proposes to expand service to Sonoma County.
6. The proposed sale and transfer will not be adverse to the public interest.
7. Transferee requests a ZORF of \$25 above and below authorized fares.
8. No protest to the application has been filed.

Conclusions of Law

1. The proposed transfer and service expansion is in the public interest and should be authorized.
2. The request for a ZORF should be granted.

3. A public hearing is not necessary.
4. 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.
5. Because the matter is uncontested, the decision should be effective on the date it is signed.
6. 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, Zahid Hussain Chaudhary, an individual, may transfer the operative rights specified in this application to ABC Shuttle & Service, Inc., subject to the conditions contained in the following Ordering Paragraphs.
2. ABC Shuttle & Service, Inc., a California corporation, 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 the Commission 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. ABC Shuttle & Service, Inc., a California corporation, is authorized to begin operations on or after the date that the Safety and Enforcement Division mails a notice to ABC Shuttle & Service, Inc., 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 ABC Shuttle & Service, Inc., vehicles for service.

4. ABC Shuttle & Service, Inc., a California corporation, is authorized to establish a zone of rate freedom of \$25 above and below authorized fares.

5. The certificate of public convenience and necessity granted to Zahid Hussain Chaudhary, an individual, by Decision 10-07-037 is revoked and PSC-20431 is cancelled on the date ABC Shuttle & Service, Inc., a California corporation, is notified that it may commence operations as provided in Ordering Paragraph No. 3.

6. Before beginning service to San Francisco International Airport, Oakland International Airport, and San Jose International Airport, ABC Shuttle & Service, Inc., a California corporation, shall notify the airport's governing body. ABC Shuttle & Service, Inc. 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-35762, 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, at Sacramento, California.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-35762

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
Zahid Hussain Chaudhary, an individual, by Decision 10-07-037.

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

This certificate supersedes all passenger stage operative authority granted to Zahid Hussain Chaudhary, an individual.

ABC Shuttle & Service, Inc., a California corporation, 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, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma.

- 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 airport described in Section IIB.