

Decision 03-02-060 February 27, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Rasmi B. Assaf to sell and transfer his one-half interest in Citywide Shuttle and Limousine Service (PSC-14438), a partnership, to Asef Habid.

Application 02-09-042
(Filed September 25, 2002)

O P I N I O N**Summary**

This decision grants the application of Rasmi B. Assaf (Seller) for approval to sell to Asef Habid (Buyer) his partnership interest in Citywide Shuttle and Limousine Service, a passenger stage corporation (PSC), and authorizes transfer of the PSC certificate to a new partnership.

Discussion

PSC 14438 is currently held by a partnership of Seller, who owns one-half interest, and Ahmed M. Nuri, Monther M. Jaouni, and Amal Abu Hwaidi, who each hold one-sixth interest. The partnership (Transferor) is authorized by Decision (D.) 01-11-026 to transport persons and their baggage on an on-call basis between Contra Costa, Alameda, Santa Clara, and San Francisco Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand.

This application requests approval, pursuant to Pub. Util. Code § 851 et seq., for Seller to sell his one-half interest to Buyer, and for Transferor to transfer the PSC certificate to a new partnership formed by Buyer and the three remaining partners (Transferee). Due to health problems, Seller desires to withdraw from the business and sell his interest to Buyer for \$6,000. The other

partners support the application. Exhibit B of the application is the new partnership agreement.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 2, 2002.

In Resolution ALJ 176-3096 dated October 3, 2002, 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 176-3096.

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.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Seller owns one-half interest in the partnership authorized to operate as a PSC pursuant to D.01-11-026.
2. Partners Ahmed M. Nuri, Monther M. Jaouni, and Amal Abu Hwaidi have executed a new partnership agreement with Buyer.
3. This application seeks approval for the sale of Seller's one-half partnership interest to Buyer and transfer of the PSC to the new partnership.
4. The proposed sale and transfer will not be adverse to the public interest.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. 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 sale of one-half partnership interest from Seller to Buyer and transfer of the PSC to Transferee is in the public interest and should be authorized.

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

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 the monopoly feature of 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, Rasmi B. Assaf (Seller), an individual, may sell his one-half interest in the partnership of Citywide Shuttle and Limousine Service to Asef Habid (Buyer), an individual, and the operative rights specified in this application may be transferred from the partnership of Seller, Ahmed M. Nuri, Monther M. Jaouni and Amal Abu Hwaidi (Transferor) to the new partnership of Buyer, Ahmed M. Nuri, Monther M. Jaouni and Amal Abu Hwaidi (Transferee), subject to the conditions contained in the following paragraphs.

2. Transferee 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 and adopt Seller's 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 (CHP) 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. Maintain accounting records in conformity with the Uniform System of Accounts.
- 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 Section 1808.1 of the Vehicle Code.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The CPCN granted to Transferor by Decision 01-11-026 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, 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.

6. The CPCN to operate as PSC-15812, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated February 27, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

Appendix PSC-15812 Asef Habid, Ahmed M. Nuri, Original Title Page
Monther M. Jaouni and Amal Abu Hwaidi
(a partnership)

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-15812

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
Rasmi B. Assaf, Ahmed M. Nuri, Monther M. Jaouni and Amal Abu Hwaidi, a
partnership, by D.01-11-026.

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

This certificate supersedes all passenger stage operative authorities granted to Rasmi B. Assaf, Ahmed M. Nuri, Monther M. Jaouni and Amal Abu Hwaidi, a partnership.

Asef Habid, Ahmed M. Nuri, Monther M. Jaouni and Amal Abu Hwaidi, a partnership, 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 points and places as described in Sections IIA and the airports described in Section IIB, over and along the route 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. Within the geographical limits of the Counties of Contra Costa, Alameda, Santa Clara, and San Francisco.

- B. San Francisco International Airport.
 Oakland International Airport.
 San Jose International Airport.

SECTION III. ROUTE DESCRIPTION.

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