

Decision 10-02-007 February 4, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Hossein Ahmadi-Simab dba Lucky Shuttle (Seller) and Shahnnavaz Ezzati (Buyer) for Approval of the Transfer by Sale of the Operating Authority (PSC 7980) held by Seller, pursuant to the Provisions of Public Utilities Section 851 et seq.

Application 09-10-021
(Filed October 14, 2009)

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 (PSC) certificate from Hossein Ahmadi-Simab (Transferor)¹, an individual, to Shahnnavaz Ezzati (Transferee), an individual.

Discussion

Transferor holds a PSC certificate authorizing the transportation of passengers and their baggage on an on-call basis between points in Orange and Los Angeles Counties, on the one hand, and Los Angeles International (LAX), Burbank (BUR), Ontario International (ONT), John Wayne (SNA), and Long Beach (LGB) Airports, on the other hand. The certificate was originally granted by Decision (D.) 94-05-037 and subsequently revised by D.95-11-003. The

¹ While the application caption shows Transferor's name as Hossein Ahmadi-Simab, the certificate being transferred is issued in the name of Hossein Ahmadi.

application requests approval to transfer certificate PSC-7980 to Transferee. Transferor is leaving the airport shuttle business to pursue other interests. Attached to the application is a Purchase and Sale Agreement, dated October 13, 2009, which indicates a purchase price of \$5,000 for the PSC certificate.

Transferee indicates the transfer will not affect the service currently being provided to the public. The operation will be conducted in a safe manner to meet the public's transportation needs. Transferee states she will be assisted in the business by her husband, who has five years' work experience in the airport shuttle field. Attached to the application is Transferee's unaudited balance sheet as of October 1, 2009, that discloses assets of \$35,000 and no liabilities.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 21, 2009.

In Resolution ALJ 176-3243 dated October 29, 2009, 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 176-3243.

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. Transferor holds a PSC certificate granted by D.94-05-037 and revised by D.95-11-003.

2. The application requests approval to transfer the PSC authority to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

Conclusions of Law

1. The proposed transfer 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.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Hossein Ahmadi (Transferor), an individual, may transfer the operative rights specified in this application to Shahnavaaz Ezzati (Transferee), an individual, 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 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 ten or more days after this decision is effective and allow at least ten 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. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- 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 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 her 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 certificate of public convenience and necessity (CPCN) granted to Transferor by Decision 94-05-037 and D. 95-11-003 is revoked on the date Transferee is notified that she may commence operations as provided in Ordering Paragraph 3.

5. The CPCN to operate as PSC-25649, granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This decision is effective today.

Dated February 4, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President

DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-25649

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 Hossein Ahmadi,
an individual, by Decisions 94-05-037 and 95-11-003.

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

This certificate supersedes all passenger stage operative authorities granted to Hossein Ahmadi, an individual.

Shahnavaz Ezzati, 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 Los Angeles and Orange
- B. Los Angeles International Airport (LAX)
Burbank Airport (BUR)
Ontario International Airport (ONT)
John Wayne Airport (SNA)
Long Beach Airport (LGB)

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.