

Decision 10-07-037 July 29, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Zahid Hussain Chaudhary, dba ABC Shuttle for Authority to operate as a Passenger Stage Operation between points in the following Counties: Alameda, Santa Clara, San Mateo, Marin, Contra Costa, Solano, San Joaquin and San Francisco, and the following International Airports located in San Francisco, Oakland and San Jose.

Application 10-05-019  
(Filed May 24, 2010)

**D E C I S I O N**

**Summary**

This decision grants the application of Zahid Hussain Chaudhary (Applicant), an individual, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

**Discussion**

The application requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Contra Costa, Marin, Napa, San Joaquin, San Mateo, Santa Clara, and Solano Counties, and the City and County of San Francisco, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. Applicant states he wishes to provide passengers with a convenient method of getting to and from the airports. He believes consumers would rather use a door-to-door van service than a scheduled airport bus service. Applicant

indicates the proposed service will benefit the environment by reducing the number of private vehicles on the highways.

Applicant advises he has the experience to conduct a PSC operation. He has held a charter-party carrier permit (TCP 20431-P) from the Commission since October 2006, and for three years prior to that he worked for a Bay Area airport shuttle service. Applicant currently owns one van. He states he has the financial resources to institute and operate the service. Attached to the application as Exhibit D is his unaudited balance sheet as of April 30, 2010, that discloses assets of \$79,000, liabilities of \$3,000, and net worth of \$76,000. The proposed fares, as listed in Exhibit C of the application, range between \$29 (Oakland - OAK) and \$149 (Stockton - SJC).

Notice of filing of the application appeared in the Commission's Daily Calendar on May 26, 2010. Applicant served a notice of the application to the involved cities, counties, and airports, and the public transit operators in the service territory.

In Resolution ALJ 176-3255, dated June 3, 2010, 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 176-3255.

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. The application requests authority to operate as an on-call PSC to transport passengers and their baggage between certain cities in Alameda, Contra Costa, Marin, Napa, San Mateo, San Joaquin, Santa Clara, and Solano Counties, and the City and County of San Francisco, on the one hand, and SFO, OAK, and SJC, on the other hand.
2. Public convenience and necessity requires the proposed service.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. 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. Public convenience and necessity has been demonstrated and the application should be granted.
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. A certificate of public convenience and necessity (CPCN) is granted to Zahid Hussain Chaudhary (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), 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-20431, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized 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 (CHP) safety rules.
- e. Comply with the Commission's 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.
- 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 Vehicle Code § 1808.1.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his 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 Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-20431, granted herein, expires 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 July 29, 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-20431

-----  
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.

**I N D E X**

	<b>Page</b>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION II. SERVICE AREA .....	3
SECTION III. ROUTE DESCRIPTIONS .....	3

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

Zahid Hussain Chaudhary, 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 following cities (by county):

Alameda County: Alameda, Berkeley, Fremont, Livermore, Oakland, Pleasanton, and Union City.

Contra Costa County: Concord, Richmond, San Ramon, and Walnut Creek.

Marin County: Corte Madera, Larkspur, Novato, San Rafael and Sausalito.

Napa County: Napa.

City and County of San Francisco

San Joaquin County: Stockton and Tracy.

San Mateo County: Atherton, Belmont, Burlingame, Menlo Park, Millbrae, Portola Valley, Redwood City, San Bruno, and San Mateo.

Santa Clara County: Cupertino, Gilroy, Mountain View, Los Altos, Palo Alto, San Jose, and Santa Clara.

Solano County: Vallejo.

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

SECTION III. ROUTE DESCRIPTIONS.

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