

Decision 04-12-042 December 16, 2004

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

In the Matter of the Application of Hany N. Gergis D.B.A. 24/7 Airport Service for authority to operate as a passenger stage between points within the County of San Bernardino, Riverside, Orange and certain portion of Los Angeles Counties on one hand and Ontario Airport, John Wayne Airport, and Long Beach Airport on the other hand.

Application 04-10-019  
(Filed October 14, 2004)

**O P I N I O N**

**Summary**

This decision grants the application of Hany N. Gergis (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 points in San Bernardino, Riverside, and Orange Counties, and a portion of Los Angeles County, on the one hand, and Ontario International (ONT), John Wayne (SNA), and Long Beach (LGB) Airports, on the other hand. Applicant desires to offer a dependable transportation service to and from the airports to persons who either do not require or do not wish to pay for luxury limousine or taxicab service. He believes there is a need for the proposed service, particularly in view of the

addition of several new domestic and international airlines at ONT and SNA and the prospect of expansion at SNA. Applicant maintains that more competition in the industry will result in better quality service at lower rates.

Applicant indicates that he has five years of experience operating as a subcarrier for a major door-to-door airport shuttle service. He has three 9-passenger vans. Additional vehicles will be obtained once the application is approved. Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of August 30, 2004, that discloses assets of \$796,000, liabilities of \$158,800, and net worth of \$637,200. The proposed fares, as listed in Exhibit A of the application, range between \$18 (Irvine - SNA) and \$245 (Barstow - LGB).

Notice of filing of the application appeared in the Commission's Daily Calendar on October 19, 2004. Applicant served a notice to the affected airports and the involved cities, counties, and public transit operators in the service area.

In Resolution ALJ 176-3141 dated October 28, 2004, 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 176-3141.

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. Applicant requests authority to operate as an on-call PSC to transport passengers and their baggage between points in San Bernardino, Riverside, and

Orange Counties, and a portion of Los Angeles County, on the one hand, and ONT, SNA, and LGB, 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.
3. 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. A certificate of public convenience and necessity (CPCN) is granted to Hany N. Gergis (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-18209, 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 order is effective.

- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, 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 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 Section 1808.1 of the Vehicle Code.

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-18209, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated December 16, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-18209

-----  
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 DESCRIPTION .....	3

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

Hany N. Gergis, 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. All points in San Bernardino, Riverside, and Orange Counties, and the following cities and communities in Los Angeles County:

- Alhambra
- Altadena
- Glendale
- Monterey Park
- Pasadena
- Long Beach
- South Pasadena
- All cities and communities lying south of the San Gabriel Mountains and east of Interstate Highway 710 and/or any of the cities and communities listed above.

B. Ontario International Airport  
John Wayne Airport  
Long Beach 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.