

Decision 06-04-062 April 27, 2006

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

In the Matter of the Application of: Fariborz Alishahi and Nora Alishahi d.b.a. Green Van Airport Shuttle, Seller and Leyla Saebi Monfared, Buyer for approval of the transfer by sale of the operating authority held by Seller in Passenger Stage Corporation Certificate 10867 from Seller to Buyer, pursuant to the provisions of Public Utilities Code §§ 851 et seq.

Application 06-01-021  
(Filed January 30, 2006)

**O P I N 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 Fariborz Alishahi and Nora Alishahi (Transferors), husband and wife, to Leyla Saebi Monfared (Transferee), an individual.

**Discussion**

Transferor is authorized by Decision (D.) 97-09-013 to operate as an on-call PSC to transport passengers and their baggage between parts of Los Angeles and Orange Counties, on the one hand, and John Wayne Airport, on the other hand. The application, as amended by letter dated March 4, 2006, requests approval to transfer certificate PSC-10867 to Transferee. Transferors are moving out of state and have agreed to let transferee take over operation of the business. Their agreement, attached to the application as Exhibit 1, provides that there will be no

exchange of funds. Transferee, however, is responsible for all costs associated with the transaction, including transfer of the PSC certificate.

Transferee states that she has two years' experience as a driver and dispatcher for a transportation service. She has one 11-passenger van. Exhibit 2 of the application is Transferee's unaudited balance sheet dated November 30, 2005, that discloses assets of \$1,030,000 (including real estate of \$1 million), liabilities of \$320,000, and net worth of \$710,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 6, 2006.

In Resolution ALJ 176-3167 dated February 16, 2006, 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 176-3167.

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. Transferors are operating as a PSC pursuant to D.97-09-013.
2. Transferors request approval to transfer certificate PSC-10867 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.

6. 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 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.
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. Within 120 days from the effective date of this decision, Fariborz Alishahi and Nora V. Alishahi (Transferors), husband and wife, may transfer the operative rights specified in this application to Leyla Saebi Monfared (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 order is effective.
  - b. Establish the authorized service within 120 days after this order is effective, adopt Transferors' 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 (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 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 Transferors by Decision (D.) 97-09-013 is revoked on the date Transferee is notified that she 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-20075, 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 April 27, 2006, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
GEOFFREY F. BROWN  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-20075

-----  
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  
Fariborz Alishahi and Nora V. Alishahi (husband and wife)  
by Decision 97-09-013.

**I N D E X**

	<b>Page</b>
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.....	2
SECTION III. ROUTE DESCRIPTION .....	3

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

This certificate supersedes all passenger stage operative authority granted to Fariborz Alishahi and Nora V. Alishahi, husband and wife.

Leyla Saefi Monfared, 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 IIC.
- 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. The following cities and communities in Orange County:

Aliso Viejo	Garden Grove	San Clemente
Anaheim	Huntington Beach	San Juan Capistrano
Anaheim Hills	Irvine	Santa Ana
Balboa	La Habra	Seal Beach
Brea	Laguna Beach	Silverado Canyon
Buena Park	Laguna Hills	Stanton
Capistrano Beach	Laguna Niguel	Sunset Beach
Corona Del Mar	Lake Forest	Surfside
Costa Mesa	Los Alamitos	Tustin
Coto De Caza	Mission Viejo	Trabuco Canyon
Dana Point	Newport Beach	Villa Park
El Toro	Orange	Westminster
Fountain Valley	Placentia	Yorba Linda
Fullerton	Rancho Santa Margarita	

B. The following cities and communities in Los Angeles County:

Artesia	La Habra Heights	Paramount
Bellflower	La Mirada	Pico Rivera
Cerritos	Lakewood	San Pedro
Downey	Long Beach	Santa Fe Springs
Hawaiian Gardens	Norwalk	

C. John Wayne Airport

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Sections IIA and IIB, then over the most convenient streets and highways to John Wayne Airport.