

Decision 07-10-008 October 4, 2007

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

In the Matter of the Application of Ahmed M. Nuri to sell and transfer his one-sixth interest in Citywide Shuttle and Limousine Service, a partnership, (PSC 15812) to Mohamed Mansour Alhemiari.

Application 07-07-012  
(Filed July 16, 2007)

**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 Asef Habid, Ahmed M. Nuri, Monther M. Jaouni, and Amal Abu Hwaidi (Transferor), a partnership, to Asef Habid, Monther M. Jaouni, Mohamed Mansour Alhemiari, and Amal Abu Hwaidi (Transferee), a partnership.

**Discussion**

Transferor is authorized by Decision (D.) 03-02-060 to operate as an on-call PSC to transport passengers and their baggage between points in Alameda, Contra Costa, San Francisco, and Santa Clara Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. It does business as Citywide Shuttle and Limousine Service.

The application requests approval to transfer certificate PSC-15812 from Transferor to Transferee due to a change in the composition of the partnership. Nuri is no longer able to participate in the PSC operation because of other employment commitments. He is selling his one-sixth partnership interest to

Mohamed Mansour Alhemiari for \$8,000. The other three partners will each retain their current ownership interest.<sup>1</sup>

Transferee states that Alhemiari is well qualified to participate in the PSC service, having been employed for the last four years as an airport shuttle driver. After the transfer, Jaouni will be the general manager of the firm and will be responsible for its day-to-day operations. Attached to the application as Exhibit C is an unaudited balance sheet for Transferee that discloses assets of \$39,900, liabilities of \$21,050, and partnership equity of \$18,850. Exhibit B of the application is the new partnership agreement.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 19, 2007.

In Resolution ALJ 176-3196 dated July 26, 2007, 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 176-3196.

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.

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<sup>1</sup> Habid holds one-half interest and Jaouni and Hwaidi hold one-sixth interest each.

**Findings of Fact**

1. Transferor is a partnership of Habid, Nuri, Jaouni, and Hwaidi that is authorized to operate as a PSC pursuant to D.03-02-060.
2. Nuri has agreed to sell his one-sixth partnership interest to Alhemiari.
3. Transferee is the newly formed partnership of Habid, Alhemiari, Jaouni, and Hwaidi.
4. This application seeks approval to transfer certificate PSC-15812 from Transferor to Transferee.
5. The proposed sale and transfer will not be adverse to the public interest.
6. No protest to the application has been filed.
7. A public hearing is not necessary.
8. 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, Asef Habid, Ahmed M. Nuri, Monther M. Jaouni, and Amal Abu Hwaidi (Transferor), a partnership, may transfer the operative rights specified in this application to

A.07-07-012 CPSD/RWC/pw

Asef Habid, Mohamed Mansour Alhemiari, Monther M. Jaouni, and Amal Abu Hwaidi (Transferee), a partnership, 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 Transferor's 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. 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 Vehicle Code § 1808.1.

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 03-02-060 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-22630, 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 October 4, 2007, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-22630

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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Supersedes the authority heretofore granted to  
Asef Habid, Ahmed M. Nuri, Monther M. Jaouni, and  
Amal Abu Hwaidi, a partnership, by Decision 03-02-060.

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

This certificate supersedes all passenger stage operative authority granted to Asef Habid, Ahmed M. Nuri, Monther M. Jaouni, and Amal Abu Hwaidi, a partnership.

Asef Habid, Monther M. Jaouni, Mohamed Mansour Alhemiari, 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, are 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 Alameda, Contra Costa, San Francisco, and Santa Clara.
- B. San Francisco International Airport.  
Oakland International Airport.  
San Jose International 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.