

Decision 07-12-038 December 20, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Lamia H. Issa and Sam Maamo, dba Oakland Airporter, for authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Marin, Solano, San Mateo and Santa Clara Counties and the San Francisco, Oakland and San Jose International Airports and to Establish a Zone of Rate Freedom.

Application 07-08-030
(Filed August 29, 2007)

O P I N I O N

Summary

This decision grants the application of Lamia H. Issa and Sam Maamo (Applicants), a partnership, 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, and to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

Discussion

The application requests authority to operate as an on-call PSC to transport passengers and their baggage between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand. Applicants state that passenger traffic between these points is increasing substantially, and this growth is expected to continue in the foreseeable future. They indicate that the proposed service is designed to

be more responsive to passengers originating at or destined to residential areas which are presently not being fully served. Applicants maintain that the service will result in a reduction in the number of private vehicles operating over the public streets and highways and reduce congestion at the airports' passenger loading and unloading areas.

Applicants advise they have the experience, knowledge, and ability to operate the proposed service. Issa has been involved in the transportation of passengers in the Bay Area for over 15 years, and presently owns a limousine service. Maamo has been employed in the for-hire passenger business for over 22 years in the capacities of owner, manager, dispatcher, and driver.

Operations will be conducted initially with two 7-passenger vans. Applicants state they have the financial ability to acquire additional units as required to meet the public's transportation needs. Attached to the application as Exhibit F is Applicants' unaudited balance sheet as of August 15, 2007, that discloses assets of \$1,265,000, (including real estate of \$1,100,000), liabilities of \$630,000, and net worth of \$635,000.

The proposed fares, as listed in Exhibit D of the application, range between \$23 (San Bruno - SFO) and \$130 (Dixon - SJC). Applicants request authority to establish a ZORF of \$15 above and below the proposed fares of \$30 and under and \$25 above and below the proposed fares over \$30. Applicants will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their service area. This highly competitive environment should result in Applicants pricing their services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on September 4, 2007. Applicants request a waiver from the provisions

of Rule 3.3(b) of the Commission's Rules of Practice and Procedure which require service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicants served a notice to the involved counties, 22 cities, the affected airports, and the public transit operators and transportation planning agency in the service area.

Applicants state that all parties that have an interest in Commission proceedings have access to the Commission's Daily Calendar. We shall exercise the discretion accorded to us by Rule 1.2 and grant the waiver requested by Applicants because they will be providing on-call service, not scheduled service, and service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3198 dated September 6, 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 176-3198.

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. Applicants request authority to operate as an on-call PSC to transport passengers and their baggage between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the one hand, and SFO, SJC, and OAK, on the other hand.
2. Public convenience and necessity requires the proposed service.

3. Applicants request authority to establish a ZORF of \$15 above and below the proposed fares of \$30 and under and \$25 above and below the proposed fares over \$30, shown in Exhibit D of the application.

4. Applicants will compete with PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations. The ZORF is fair and reasonable.

5. Applicants request a waiver of the notice requirements of Rule 3.3(b) of the Rules of Practice and Procedure as they have served notice to the involved counties, 22 cities, the affected airports, and the public transit operators and transportation planning agency in the service area.

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. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request to waive the notice requirements of Rule 3.3(b) should be granted.

3. The request for a ZORF should be granted.

4. Before Applicants change any fares under the ZORF authorized below, Applicants should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

5. Since the matter is uncontested, the decision should be effective on the date it is signed.

6. 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 Lamia H. Issa and Sam Maamo (Applicants), a partnership, authorizing them 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-22684, subject to the conditions contained in the following paragraphs.

2. Applicants 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 Vehicle Code § 1808.1.

3. Applicants are authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$15 above and below the proposed fares of \$30 and under and \$25 above and below the proposed fares over \$30, shown in Exhibit D of the application.

4. Applicants shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Applicants may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Applicants shall post notices explaining fare changes in their terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Applicants are authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicants that their 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 Applicants' vehicles for service.

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

9. The CPCN to operate as PSC-22684, granted herein, expires unless exercised within 120 days after the effective date of this order.

10. The notice requirements of Rule 3.3(b) of the Commission's Rules of Practice and Procedure are waived as notice of the application has been served upon parties that may have an interest in this proceeding

11. The Application is granted as set forth above.

12. This proceeding is closed.

This order is effective today.

Dated December 20, 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-22684

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.

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

Lamia H. Issa and Sam Maamo, 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, Marin, San Francisco, San Mateo, Santa Clara, and Solano.
- B. San Francisco International Airport.
Oakland International Airport.
San Jose International Airport.

SECTION III. ROUTE DESCRIPTION.

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