

Decision 08-02-024 February 28, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of El Sayad
Elhamaki dba Superporter Express to transfer his
Certificate PSC 15325 to Suhil Babikir.

Application 07-12-011
(Filed December 12, 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 El Sayad Elhamaki (Transferor), an individual, to Suhil Babikir (Transferee), an individual.

Discussion

Transferor holds a certificate granted by Decision (D.) 02-08-049 to operate as an on-call PSC to transport passengers and their baggage between points in Alameda, Contra Costa, and San Francisco Counties, on the one hand, and San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand.

Transferor placed his PSC certificate into voluntary suspension in July 2006, when he temporarily relocated to Florida to attend to another business. He states he has experienced problems that have caused him to remain in Florida longer than originally intended. For this reason, he desires to sell and transfer his airport shuttle business and PSC certificate (PSC-15325). The application requests the Commission to approve the transfer.

The proposed transaction is described in the Purchase and Sale Agreement attached to the application as Exhibit A. Transferee has agreed to purchase the certificate and Transferor's good will and trade name for \$4,000. Transferee

advises that he has the experience, knowledge, and ability to reestablish and conduct Transferor's PSC business. He indicates he has been employed as a driver and dispatcher for two airport shuttle carriers that operate to and from SFO and OAK and points in the three-county area served under the involved certificate. Attached to the application as Exhibit B is Transferee's unaudited balance sheet that discloses assets of \$36,000, liabilities of \$10,000, and net worth of \$26,000.

Transferee will adopt Transferor's tariff on file with the Commission. The tariff includes a zone of rate freedom (ZORF) authorized by D.02-08-049.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 18, 2007.

In Resolution ALJ 176-3205 dated December 20, 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 176-3205.

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. Transferor holds a PSC certificate granted by D.02-08-049.
2. Transferor requests approval to transfer certificate PSC-15325 to Transferee.

3. Transferee will adopt Transferor's tariff on file with the Commission, which includes the ZORF authorized by D.02-08-049.
4. The proposed transfer will not be adverse to the public interest.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. 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.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, El Sayad Elhamaki, an individual, may transfer the operative rights specified in this application to Suhil Babikir (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 Transferor's tariffs and timetables or issue new tariffs and timetables (which may include the zone of rate freedom authorized by Decision (D.) 02-08-049), 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 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 Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by D. 02-08-049 is revoked on the date Transferee is notified that he 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-23269, 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 February 28, 2008, 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-23269

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
El Sayad Elhamaki, an individual, by Decision 02-08-049.

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

This certificate supersedes all passenger stage operative authority granted to El Sayad Elhamaki, an individual.

Suhil Babikir, 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 within the geographical limits of Alameda, Contra Costa, and San Francisco Counties.
- B. San Francisco International Airport (SFO).
Oakland International Airport (OAK).

SECTION III. ROUTE DESCRIPTION.

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