

Decision 08-10-029 October 16, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Theodros Ashenafi for authority to control California Airporter, Inc. pursuant to Section 854 of the California Public Utilities Code.

Application 08-07-013
(Filed July 7, 2008)

D E C I S I O N

Summary

This decision grants the application of Suhil M. Babikir, Bhaeldeen Elfadul, and Marvin A. Ibrahim (Sellers) and Theodros Ashenafi (Buyer) to transfer ownership of California Airporter, Inc. (Airporter) pursuant to Pub. Util. Code § 854.

Discussion

The application requests approval to transfer control of Airporter from Sellers to Buyer. Airporter is authorized by Decision (D.) 99-03-006 to operate as an on-call passenger stage corporation (PSC-12436) 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.

Sellers own all 15,000 of the issued and outstanding shares of stock of Airporter. They wish to sell the corporation and pursue other interests, but want the business to continue in the manner in which it has been conducted for many years for the benefit of its clients and the general public. Buyer has agreed to purchase Sellers' interest in Airporter for \$24,000 under terms set forth in the Business Stock Sale Agreement, attached to the application as Exhibit A.

Buyer indicates that transfer of control will have no effect upon Airporter's service to the public because he has the knowledge, experience, and financial resources to continue operation of the PSC service as it has been conducted in the past. He states he has prior experience as an owner of an airport shuttle service and has also been employed by other services as a driver and dispatcher. Attached to the application as Exhibit B is Buyer's unaudited balance sheet that discloses assets of \$100,000 and no liabilities.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 14, 2008.

In Resolution ALJ 176-3218 dated July 31, 2008, 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 176-3218.

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. Airporter is authorized to operate as an on-call PSC pursuant D.99-03-006.
2. Sellers own all of the issued and outstanding shares of stock of Airporter.
3. Buyer requests authority to purchase Sellers' interest in Airporter.
4. Buyer has the knowledge, experience, and financial ability to operate the PSC operation.
5. The proposed transfer of control 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 sale of 100% interest in Airporter 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. Pursuant to Pub. Util. Code § 854, Theodros Ashenafi (Buyer) is authorized to acquire control of California Airporter, Inc. through the purchase of all of the issued and outstanding corporate stock from Suhil M. Babikir, Bhaeldeen Elfadul, and Marvin A. Ibrahim.

2. Within fifteen (15) days of the date the transaction closes, Buyer shall notify the Commission's Consumer Protection and Safety Division in writing thereof.

3. The authority granted by this order shall lapse unless it is exercised within 90 days of the effective date of this decision.

4. This proceeding is closed.

This order is effective today.

Dated October 16, 2008, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners