

Decision 14-04-004 April 10, 2014

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of (1) the Application of Amal Hwaidi to sell and transfer his 16.60% partnership interest in Citywide Shuttle and Limousine Service to Mohamed Al-Hemiari, (2) the Application of Asef Habid, Monther Jaouni and Mohamed Al-Hemiari to expand their existing passenger stage corporation authority PSC Certificate 22630 to serve the Counties of Solano, Napa, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, and Sacramento, (3) grant a ZORF (Zone of Rate Freedom) for all fares authorized and (4) grant the fares requested herein and authorize increases of the fares to and from presently authorized Counties.

Application 13-11-015
(Filed November 22, 2013)

D E C I S I O N G R A N T I N G A P P L I C A T I O N

Summary

This decision grants the application of Amal Hwaidi to transfer, pursuant to Pub. Util. Code §§ 851, et seq., his 16.60% partnership interest in Citywide Shuttle and Limousine Service, a passenger stage corporation certificate to Mohamed Al-Hemiari, and grants the Application of Asef Habid, Monther M. Jaouni, and Mohamed Mansour Al-Hemiari, a partnership, to expand its existing passenger stage corporation authority to serve the Counties of Solano, Napa, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz and Sacramento. The Zone of Rate Freedom and fare increases requested herein are granted.

Discussion

Asef Habid, Monther M. Jaouni, Mohamad Mansour Al-Hemiari, and Amal Abu Hwaidi (Transferor), a partnership, is authorized by Decision (D.) 07-10-008 to operate as an on-call passenger stage corporation (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-22630 from Transferor to Asef Habid, Monther M. Jaouni, and Mohamed Mansour Al-Hemiari (Transferee), a partnership, due to a change in the composition of the partnership. Amal Abu Hawadi is selling his one-sixth partnership interest to Mohamed Mansour Al-Hemiari for \$4,000.¹ The other two partners will each retain their current ownership interest.²

Attached to the application as Exhibit D, and supplemented by correspondence, is an unaudited balance sheet for Transferee that discloses assets of \$45,000, liabilities of \$17,500, and partnership equity of \$27,500.

Transferee requests authority to expand PSC service to the Counties of Solano, Napa, Marin, Sonoma, San Joaquin, Stanislaus, Monterey, Santa Cruz, San Mateo and Sacramento.; exhibit A to the Application is a map showing the points and areas proposed to be served. The proposed fares, listed in Exhibit B of the application, range between \$45 (Foster City in San Mateo County to SFO)

¹ After the transfer, Al-Hemiari will hold one-third interest.

² Habid holds one-half interest and Jaouni holds one-sixth interest.

and \$295 (Lodi in San Joaquin County to SFO) Transferee requests to increase fares in the existing four-county territory. Transferee further seeks to establish a Zone of Rate Freedom (ZORF) of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers. A California Environmental Quality Act review is not required for this decision because granting the transfer of the certificate does not change the service.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 13, 2013.

In Resolution ALJ 176-3328 dated December 19, 2013, 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 176-3328.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance per General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is a partnership of Asef Habid, Monther M. Jaouni, Mohamed Mansour Al-Hemiari, and Amal Abu Hwaidi that is authorized to operate as a PSC pursuant to D.07-10-008.

2. Amal Abu Hwaidi has agreed to sell his one-sixth partnership interest to Mohamed Mansour Al-Hemiari.

3. Transferee is the newly formed partnership of Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni.

4. This application seeks approval to transfer certificate PSC-22630 from Transferor to Transferee.

5. The proposed sale and transfer will not be adverse to the public interest.

6. Transferee requests authority to expand passenger stage corporation service to the Counties of Solano, Napa, Marin, Sonoma, San Joaquin, Stanislaus, Monterey, Santa Cruz, San Mateo and Sacramento.

7. Transferee proposes new fares for the expanded territory, and increased fares for the existing territory.

8. Transferee requests a ZORF of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers.

9. No protest to the application has been filed.

10. A public hearing is not necessary.

11. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because granting the transfer of the certificate does not change the service.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. The request for a ZORF should be granted.
3. Because the matter is uncontested, the decision should be effective on the date it is signed.
4. 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 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, Mohamed Mansour Al-Hemiari, Monther M. Jaouni, and Amal Abu Hwaidi, a partnership, may transfer the operative rights specified in this application to Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni, a partnership, subject to the conditions contained in the following Ordering Paragraphs.
2. Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni (Transferee), a partnership, 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 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.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- e. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- f. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni (Transferee), a partnership, is authorized to begin operations on or after the date that the Safety and Enforcement Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph No. 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Transferee's vehicles for service.

4. Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni, a partnership, is authorized to establish a zone of rate freedom of \$25 above and below the proposed fares. The minimum fare will be \$20 for all adult passengers.

5. The certificate of public convenience and necessity granted to Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni, and Amal Abu Hwaidi, a partnership, by Decision 07-10-008 is revoked on the date Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni, a partnership, is notified that it may commence operations as provided in Ordering Paragraph No. 3.

6. Before beginning service to San Francisco International Airport, Oakland International Airport, and San Jose International Airport, Asef Habid, Mohamed Mansour Al-Hemiari, and Monther M. Jaouni (Transferee), a partnership, shall

notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

7. The certificate of public convenience and necessity to operate as PSC-32840, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated April 10, 2014, at San Francisco, California.

MICHAEL R. PEEVEY

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

MICHAEL PICKER

Commissioners

SED/rff

Appendix PSC-32840 Asef Habid, Monther M. Jaouni, Original Title Page
and Mohamed Mansour Al-Hemiari,
(a partnership)

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-32840

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
Asef Habid, Monther M. Jaouni, Mohamad Mansour Al-Hemiari and
Amal Abu Hwaidi, a partnership, by Decision 07-10-008.

Issued under authority of Decision 14-04-004, dated April 10, 2014, of the Public
Utilities Commission of the State of California in Application 13-11-015.

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

This certificate supersedes all passenger stage operative authority granted to Asef Habid, Monther M. Jaouni, Mohamed Mansour Al-Hemari and Amal Abu Hwaidi, a partnership.

Asef Habid, Monther M. Jaouni, and Mohamed Mansour Al-Hemiari, 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, Santa Clara, Solano, Napa, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, and Sacramento.

- 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.