

Decision 11-07-015 July 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for Approval of the Transfer by Sale of the Operating Authority in Passenger Stage Certificate #21653 from LIMAXI LLC to Farzad Khatoonabadi and Suzette Khatoonabadi dba Green Ride pursuant to the provisions of Pub. Util. Code Section 851.

Application 11-04-021
(Filed April 25, 2011)

D E C I S 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 LIMAXI, LLC (Transferor), a limited liability company, to Farzad Khatoonabadi and Suzette Khatoonabadi (Transferees), a partnership.

Discussion

Transferor holds a PSC certificate authorizing the transportation of passengers and their baggage on an on-call basis between points in San Diego, Los Angeles, Orange, and Riverside Counties, on the one hand, and San Diego International Airport, on the other hand. The certificate was granted by Decision (D.) 08-09-007.

Transferees are husband and wife and the sole owners of Transferor. They wish to change their form of business organization from a limited liability company to a partnership. The application requests approval to transfer certificate PSC-21653 to Transferees.

Transferees indicate they will continue to provide convenient transportation to their passengers in the same manner they have since the PSC operation was originally established pursuant to D.08-09-007. Transferees have held a charter-party carrier permit from the Commission as a partnership since 2004. Attached to the application as Exhibit 1 is their financial statement as of April 2011 that discloses assets of \$565,000, liabilities of \$210,000, and net worth of \$355,000

Notice of filing of the application appeared in the Commission's Daily Calendar on April 27, 2011.

In Resolution ALJ 176-3273 dated May 5, 2011, 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 176-3273.

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.08-09-007.
2. The application requests approval to transfer the PSC authority to Transferees.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

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, LIMAXI, LLC, a limited liability company, may transfer the operative rights specified in this application to Farzad Khatoonabadi and Suzette Khatoonabadi (Transferees), a partnership, subject to the conditions contained in the following paragraphs.
2. Transferees shall:
 - a. File a written acceptance of this certificate within 30 days after this decision is effective.
 - b. Establish the authorized service within 120 days after this decision 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 ten or more days after this decision is effective and allow at least ten 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 Commission's 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. Transferees are authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferees 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 Transferees' vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by Decision 08-09-007 is revoked on the date Transferees are notified that they may commence operations as provided in Ordering Paragraph 3.

5. The CPCN to operate as PSC-17591, granted herein, shall expire unless exercised within 120 days after the effective date of this decision.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This decision is effective today.

Dated July 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-17591

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 LIMAXI, LLC,
a limited liability company, by Decision 08-09-007.

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

This certificate supersedes all passenger stage operative authorities granted to LIMAXI, LLC, a limited liability company.

Farzad Khatoonabadi and Suzette Khatoonabadi, 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 San Diego, Los Angeles, Orange, and Riverside.
- B. San Diego International Airport.

SECTION III. ROUTE DESCRIPTION

Commencing from any point described in Section IIA, then over the most convenient streets and highways to San Diego International Airport.