



Public Utilities Commission

STATE OF CALIFORNIA

**CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE AND
GENERAL ORDER**

To: Astor Philip Birri
Attn: Astor Philip Birri



File: Unlicensed
Citation #: T.2025-01-005
Date: January 22, 2025
Case #: CSE-000282

VIOLATIONS

You are hereby cited as having violated sections of the Public Utilities (Pub. Util.) Code and General Order (G.O.) as described below. These violations occurred on October 6, 2024.

- (1) Operated as a Charter-Party Carrier without a valid operating authority, in violation of Pub. Util. Code Section 5371 **[1 count]**;
- (2) Operated at an airport without an airport authority and failed to follow airport rules and regulations, in violation of Pub. Util. Code Section 5371.4(b) and G.O. 157-E, Part 3.02 **[1 count]**.

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of the carrier's records and substantiating documents obtained from other sources.

RESPONSE

You are hereby called upon to answer this citation on or before February 12, 2025. By way of such an answer, you may either:

- (1) Pay a fine of \$4,000 pursuant to Pub. Util. Code Section 5378. Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the CPUC staff will deem the matter closed, **or**
- (2) Contact the Supervisor below to make payment arrangements, **or**
- (3) Contest this Citation by filing an Appeal. See the attached document "*How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal.*"

If you fail to respond by February 12, 2025, you will be in default and will have forfeited your right to appeal the Citation. The CPUC may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and CPUC orders.

Eric Hooks

Eric Hooks
Program and Project Supervisor
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (415) 703-2302
E-mail address: eric.hooks@cpuc.ca.gov

Attachments

INVESTIGATION REPORT

CARRIER: Astor Philip Birri, an Individual

OWNER: Astor Philip Birri

AUTHORITY: Unlicensed

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED] / Unknown

VEHICLES: 1

EMPLOYEE-DRIVERS: 1

**PL&PD¹
INSURANCE:** Not on file with CPUC²

**WORKERS'
COMPENSATION
INSURANCE:** Not on file with CPUC

DRUG CONSORTIUM: Not on file with CPUC

¹ Public Liability and Property Damage (PL&PD)
² California Public Utilities Commission (CPUC)

INTRODUCTION

On October 25, 2024, I was assigned to investigate the operations and practices of Astor Philip Birri (hereinafter referred to as Mr. Birri) because of a San Francisco International Airport (SFO) Ground Transportation Unit (GTU) complaint alleging that Mr. Birri operated without an operating authority and an airport permit.

HISTORY OF ENFORCEMENT

Enforcement case records show Mr. Birri has a history of violating the California Public Utilities Commission's (CPUC) rules and regulations, as detailed below.

On May 14, 2024, Omar Teutle, the Transportation Enforcement Analyst for the CPUC, issued a Notice to Cease and Desist (C&D) to Mr. Birri. This C&D directed him to stop all unlawful operations until he obtained the necessary operating authority from the CPUC [**Attachment 1**]. The decision to issue the C&D was prompted by Mr. Birri's ongoing illegal activities at SFO. He had previously received a C&D on April 28, 2024, [**Attachment 2**] and an Administrative Citation on October 6, 2024 [**Attachment 3**] from the SFO GTU.

VIOLATIONS

I investigated Mr. Birri for the date of October 6, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Codes and a CPUC General Order (G.O.):

- **Operated as a Charter-Party Carrier (TCP) without a valid operating authority, in violation of Pub. Util. Code Section 5371. [1 count]**

Pub. Util. Code 5371 states that “No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of a permit issued by the commission.”

On October 6, 2024, Mr. Birri was issued Administrative Citation No. [REDACTED] by SFO GTU for operating without a TCP authority [Attachment 3]. My investigation disclosed that Mr. Birri operated for one day at SFO without a valid operating authority.

- **Operated at an airport without an airport authority and failed to follow airport rules and regulations, in violation of Pub. Util. Code Section 5371.4(b) and G.O. 157-E, Part 3.02. [1 count]**

G.O. 157-E, Part 3.02 states that “No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority.”

On October 6, 2024, Mr. Birri was issued Administrative Citation No. [REDACTED] by SFO GTU for operating at SFO without an airport permit [Attachment 3].

My investigation revealed that SFO GTU issued Mr. Birri an Administrative Citation for operating one day at SFO without an airport permit.

DECLARATION

I have read the foregoing and know the contents thereof and I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and to those matters, I believe to be true.

Executed on January 22, 2025, in Los Angeles, California.

Manal Antabli

Manal Antabli, Enforcement Analyst

List of Attachments

- Attachment 1. Notice to Cease and Desist issued May 14, 2024
- Attachment 2. SFO GTU Notice to Cease and Desist No. [REDACTED]
- Attachment 3. Administrative Citation No. [REDACTED] & SFO GTU Email Complaint

TABLE OF CONTENTS

ATTACHMENT 1

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, California, 94102



May 14, 2024

TCP: Unlicensed

Notice to Cease & Desist No.: [REDACTED]

Astor Philip Birri

[REDACTED]
[REDACTED]

Email: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED]

NOTICE TO CEASE AND DESIST

Dear Astor Philip Birri:

The California Public Utilities Commission (CPUC) became aware that you are operating without a valid authority.

Public Utilities (Pub. Util.) Code Sections 1031 and 5371 state that it is unlawful for a Passenger Stage Corporation (PSC) or Charter-Party Carrier (TCP) to conduct any operations without valid authority. Pub. Util. Code Sections 1034.5 and 5414.5 state that it is unlawful to publish or advertise without holding a valid operating authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, internet websites, and any other form of advertisements.

Your company must immediately cease and desist from all unlawful operations including advertising.

Pub. Util. Code Section 5411 states in part that any TCP carrier which operates without a valid authority is guilty of a misdemeanor and is punishable by a fine not less than \$1,000.

On April 28, 2024, you were issued a Notice to Cease and Desist Number [REDACTED] by SFO's Ground Transportation Unit for operating without a valid authority.

This letter places your company on notice that continued violations of the law without the required operating authority may result in enforcement actions, including criminal prosecutions. There will be no further warnings.

For information on obtaining a permit or certificate, go to:
<http://www.cpuc.ca.gov/transportationlicensing/>.

Please contact me within five days of receiving this notice at the telephone number and email address listed below.

Sincerely,

Omar Teutle

Omar Teutle, Enforcement Analyst
California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Email: Omar.Teutle@cpuc.ca.gov
Telephone: (415) 703-1331

cc: Eric Hooks, Program and Project Supervisor

ATTACHMENT 2

**YOUR COMPANY MUST IMMEDIATELY CEASE AND
DESIST FROM ANY AND ALL OPERATIONS AT
SAN FRANCISCO INTERNATIONAL AIRPORT**

The San Francisco International Airport ("Airport") has determined you are operating without valid Airport authority and has violated the following rules:

- SFO Rules & Regulations Section 2.2
- SFO Rules & Regulations Section 3.3(D)
- SFO Rules & Regulations Section 9.2

Additionally, your company has violated California Public Utilities Commission ("CPUC") Codes and/or General Order 157-E (Check all that apply):

- Violation of Public Utilities Code Section 5371 - Operating without Valid CPUC Authority (Never Held)
- Violation of Public Utilities Code Section 5379 - Operating after Suspension/Revocation/Expiration/Denial of CPUC Authority
- Violation of CPUC General Order 157-E Section 3.01 - No / Improper Waybill
- Violation of CPUC General Order 157-E Section 3.02 - No Airport Permit
- Violation of CPUC General Order 157-E Section 4.04 - No TCP Displayed

Notes: COMPANY FOR TO DO

Under SFO Rule 14.1 the Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these Rules and Regulations to any individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

Violations of CPUC codes and General Orders are misdemeanors and are punishable by a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment under Public Utilities Code Section 5411.

The failure to immediately cease and desist all operations involving SFO shall be deemed an unlawful trespass under California Penal Code § 602.4 and an unfair business practice under California Business and Professions Code § 17200.

Company Name: ASTOR BIRRI TCP Number: N/A

ASTOR BIRRI
Print Name

[Signature]
Signature

Refuse to Sign

Airport Personnel/Law Enforcement: [Redacted] Badge [Redacted] Date: 4/28/20

ATTACHMENT 3



AIRPORT COMMISSION
SAN FRANCISCO INTERNATIONAL AIRPORT
GROUND TRANSPORTATION ADMINISTRATIVE CITATION



Date: 10/6/2024

Time: 08:25 PDT

Day: Sunday

Plate #: [REDACTED]

VIN #:

Make: Ford

Model:

Style: 4 Door

Color: White

Driver First Name: ASTOR

Driver Last Name: BIRRI

Company: Non-Permitted Operator

TCP #: 099999

Location: IT Arrivals

Violated Rules and Regulations

9.2 Operating a Business without Airport Authorization

Comment: KNOWN UNPERMITTED OPERATOR/SOLICITOR. OPERATING WITHOUT CPUC AND AIRPORT AUTHORITY. PICKUP CLIENT. ALREADY SERVED MULTIPLE CEASE AND DESIST NOTICES. VIOLATION OF CPUC CODES SECTION 5371/5411.

Issuing Authority: GTC

Issuer Id: [REDACTED]

FINES SHALL BE ASSESSED PER RULE 14 OF SFIA AIRPORT RULES AND REGULATIONS AND/OR APPLICABLE OPERATING PERMIT.

From: [REDACTED]
To: [Transportation Safety Complaints](#)
Cc: [REDACTED]; [REDACTED]; [Hooks, Eric](#); [Taylor, Shantanro](#)
Subject: [EXTERNAL] SFO Referral: Astor Philip Birri - No CPUC and Airport Authority - 10-07-2024
Date: Monday, October 7, 2024 7:08:22 AM
Attachments: [image001.png](#)
[Citation \[REDACTED\].pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Unpermitted operator and known solicitor, Astor Philip Birri (no TCP), continues to operate without CPUC and Airport authority.

Yesterday, 10-06-24, I caught Mr. Birri picking up his client, see Citation # [REDACTED]. I informed him that I will be escalating this to CPUC for further investigation. He continues to claim he apply for a TCP but all relevant documents and email dates to 2017.

He was served another notice of cease and desist on 09-02-24 for soliciting.

He was previously referred to the CPUC and was issued a notice cease and desist.

Thanks



[REDACTED]
Investigator, Compliance | Ground Transportation Unit | Airport Services
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128
[REDACTED] | flysfo.com/gtu

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