

# Licence Application Decision

## Inter-City Bus (ICB)

<b>Application #</b>	4745-19	<b>Applicant</b>	Balwaria Empire PVT Ltd.
<b>Trade Name</b>	Cold Shot		
<b>Principal</b>	Abhiharsh BALWARIA		
<b>Address</b>	#104, 11041 105 Edmonton, AB T5H 3Y1		
<b>Current Licence</b>	None		
<b>Application Summary</b>	<b>New Special Authorization—ICB</b> Simplified ICB Process  New Special Authorization to operate ICBs on a reservation-only basis on 1 route: <ul style="list-style-type: none"><li>• Route A: Fort St. John – BC/Alberta Border (at HWY 2)</li></ul>		
<b>Publication Date</b>	March 13, 2018		
<b>Submissions Received</b>	None		
<b>Board Decision</b>	<b>The special authorization is approved.</b> <b>Terms and conditions of licence are approved as set out in this decision.</b>		
<b>Decision Date</b>	April 3, 2019		
<b>Panel Chair</b>	William Bell	<b>Panel Member</b>	Spence Mikituk

### I. Introduction

The applicant, Balwaria Empire PVT Ltd. (dba Cold Shot), operates out of Edmonton, Alberta. It currently holds an Alberta Inter-Provincial Operating Authority Certificate (# 16-143-78430). The certificate authorizes the transport of passengers, passenger baggage and package express between Edmonton and various locations throughout Alberta. It also holds a current Alberta Extra-Provincial Operating Authority Certificate (

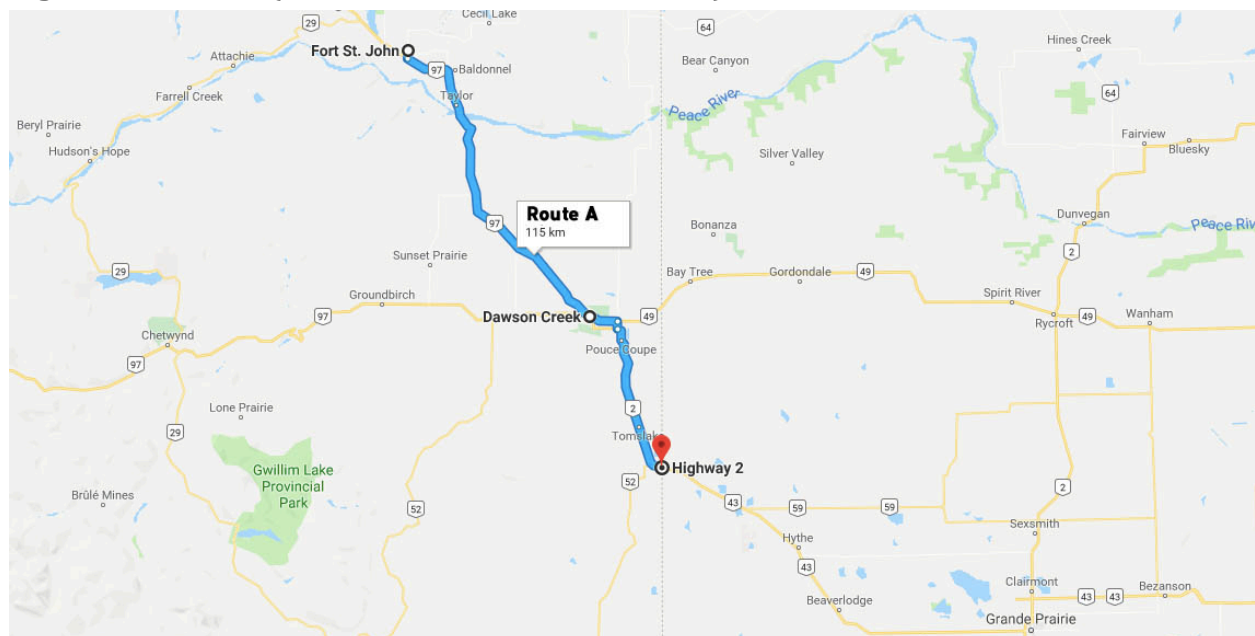
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# 19-00-20040) that allows the transport of passengers and passenger baggage from Grand Prairie to the Alberta/BC boundary and vice versa.

The applicant currently operates vehicles that seat between 9 and 20 passengers to provide passenger bus services along 8 routes in Alberta with a total of almost 40 drop off locations. It also provides a small package delivery services on routes where it operates.

The applicant, seeks a new Passenger Transportation Licence in BC to operate inter-city buses (ICBs) between Fort St. John and the Alberta Border (at Highway 2) with a minimum frequency of 5 trips per week in each direction on a year-round basis. The applicant proposes to include Dawson Creek as a regularly-scheduled stop on the route. The proposed Route A is shown in the map in Figure 1.

**Figure 1: Route A (Fort St. John – Alberta Border)**



The applicant has a reservation system for trips to be booked online, from local agents where buses pick up passengers or by phone. It also seeks express authorization to allow standees. The service would operate as a reservation-based service only. The applicant indicates it intends to use a 10 passenger smaller coach (2018 Dodge Sprinter) to service the route and to keep operational and maintenance costs low. Freight and courier services would also be included.

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## II. Jurisdiction and Proceedings

This application is made under the Passenger Transportation Act (the “PT Act”). The PT Act regulates the licensing and operation of commercial passenger transportation vehicles in BC.

Under the PT Act, the Passenger Transportation Board (the “Board”) makes decisions on applications to operate inter-city buses. The Board has the authority to consider and approve applications for new licences as well as applications from existing licensees to change routes and decrease service levels.

In February 2018, Greyhound Transportation Canada ULC (Greyhound Canada) received approval on its application 256-17 to the Board to withdraw service in northern British Columbia. This included ICB service between Fort St. John and Dawson Creek.

In July 2018, Greyhound Canada issued a news release stating that as of October 31, 2018, it will stop providing bus service in Western Canada. Greyhound was the sole operator on many corridors of BC including Highway 2 between Dawson Creek and the Alberta border. The departure of Greyhound Canada put many routes and communities at risk of losing inter-city bus service and access to safe and essential transportation for work, education, health and family-related purposes.

To encourage other operators to fill the gap left by Greyhound’s exit, the Board is “fast-tracking” applications and using a simplified application process. This package is available for operators applying to operate inter-city buses (ICBs) on corridors in BC that do not have commercial ICB service. It is available regardless of whether the absence of service is the result of Greyhound Canada’s withdrawal on October 31, 2018.

The PT Act requires the Board to consider public need, applicant fitness and sound economic conditions in the passenger transportation industry before deciding whether to approve an application. The Board may approve an application in whole or in part, or it may refuse an application. For applications proceeding through the simplified ICB process, much of the Board’s focus is on applicant fitness.

The PT Act also allows the Board to, among other things:

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- accept evidence and information it considers relevant, necessary, and appropriate, whether or not the information would be admissible in a court of law [Section 15]
  - conduct written, electronic or oral hearings as the Board, in its sole discretion, considers appropriate [Section 17]
  - require further information from an applicant [Section 27(1)(b)]
  - investigate any matter related to an application [Section 27(3)(b)]

Section 26(2) of the PT Act requires the Board to publish the fact and nature of applications, and section 27(3) requires the Board to consider applications and any written submissions it receives as a result of publication. Section 27(5) states that people who make submissions are not entitled to disclosure of further information, unless the Board orders otherwise.

#### *Procedural Matters*

We are conducting this application by way of a written hearing.

### **III. Background**

Cold Shot is located in Edmonton, Alberta and has been owned and operated by Abhiharsh Balwaria from 2006 to the present. It registered as an Extraprovincial Company in B.C. on March 6, 2019.

The applicant submitted requisite forms.

### **IV. Application Rationale, Submissions and Responses**

#### ***(a) Rationale for Application***

The following text was provided by the Applicant:

*In efforts to provide passenger transportation on this corridor, abandoned when Greyhound Canada withdrew its services from Western Canada, Cold Shot is requesting permission to operate a 10- passenger vehicle to help connect people between Grande Prairie, Dawson Creek and Fort St. John.*

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*We have secured all required documentation to run passenger services in Alberta.*

***(b) Submissions & Response***

The Board did not receive any submissions on this application.

**V. Board Mandate**

Section 28(1) of the *Passenger Transportation Act* says that the Board may approve the application, if the Board considers that:

- (a) there is a public need for the service the applicant proposes to provide;
- (b) the applicant is a fit and proper person to provide the service and is capable of providing it; and
- (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

**VI. Reasons for the Board's Decision**

*Applicant Fitness*

Balwaria Empire PVT Ltd (dba Cold Shot) was incorporated in Alberta on July 20, 2006 and registered as an Extra-provincial Company in British Columbia on March 6, 2019. The principal and CEO, Abhiharsh Balwaria has over a decade of work experience in management and the transportation industry. Prior to this he held positions as Corporate Account Manager with a national rental car company and as a Sales Leader with an Energy based company. Mr. Balwaria is responsible for strategic direction, business development, contracting and mentoring. In charge of Operations is Sateesh Kadiayala who manages passenger services and courier services and the oversight of inventory, purchasing and supplies.

About 4 years ago, the company started providing passenger services in Alberta as a Greyhound interline service. Vehicles operated in Alberta accommodate 9 to 20

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passengers, and it states that its passenger services have become the main focus of its business in the province.

The disclosure forms of Unlawful Activity and Bankruptcy indicates no negative concerns about the principal. There has not been any information brought to our attention to prove the applicant is not fit and proper.

Cold Shot holds an Alberta Safety Certificate that is satisfactory. Cold Shot drivers must hold a valid Alberta Class 2 drivers' licence, have a clean driving record, undertake a medical examination and drug screening. They must also be capable of reading maps, have knowledge of local traffic bylaws and the Traffic Safety Act, be at least 21 years old with at least 3 years of driving experience and pass a criminal record check.

The application included a comprehensive business plan for its Alberta operations and Condensed Operating Plan that focussed on its proposed B.C. operation. Included also were detailed company information concerning its policies regarding safety; record keeping; vehicle selection, inspection and maintenance; driver training, selection and qualification.

The company has a website where passenger tickets can be bought and where details on schedules and connecting schedules are listed, including updates/changes. It also has a widespread agency network with terminals providing safe pick up and drop off locations for passengers. The terminals are operated and monitored by agency staff members and provide heated seating areas, washrooms and are central to local public transit, retail markets and food vendors.

The applicant signed the Board's Declarations stating, among other things, that it will operate its vehicles in accordance with the Passenger Transportation Act and the Liquor Control and Licensing Act in BC.

The financial information included a 3-year Projected Statements of Cash Flows, 3-year Projected Statements of Income and 3-year Projected Balance Sheets. It also included a Balance Sheet and a Statement of Income and Retained Earnings as at July 19, 2018. Financing appears to be in place for the start-up of the proposed BC operation.

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It would appear that Cold Shot has the experience, operational knowledge and financing in place to establish and maintain a reliable inter-city bus route in BC, as proposed.

We find the applicant to be a fit and proper person with the necessary skills and infrastructure in place to be capable of managing and providing the proposed service.

### *Public Need and Sound Economic Conditions*

The applicant is to operate from Fort St. John to the BC/Alberta border (at HWY 2). ICB service was provided by Greyhound Canada on the corridor through its Routes G (Alberta Border and Hwy 2) and Route I1 ( Dawson Creek- Fort Nelson) until 2018. There are no commercial ICB operators on the route at the present time. The proposed Cold Shot service restores the availability of an ICB transportation option on parts of the above-noted routes.

Therefore, we find that there is a public need for the service the applicant proposes, and that approving the application would promote sound economic conditions in the transportation industry in BC.

To ensure a smooth transition of service, we are requiring the applicant to post time schedules and implement its time schedules for the proposed route stops and website reservations by the dates set out in Appendices I and II of this decision.

The terms and conditions of licence specify required stops and minimum frequencies. The applicant may, however, at some point want to expand its service to other stops along the approved routes. We have, therefore, approved a term and condition of licence that allows this flexibility.

With respect to the request for express authorization to allow standees in the vehicle, the applicant proposes to use smaller vehicles and has not provided information on the need or safety of standees in the vehicle. We are not allowing standees on a highway route that is to be served by small vehicles.

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## **VII. Conclusion**

For the reasons above, this application is approved as set out in this decision. The Board establishes notice and activation requirements, and terms and conditions of licence that are attached to this decision as Appendices I and II. These form an integral part of the decision.



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## **Appendix I**

### **Public Notice Requirements**

#### **Balwaria Empire PVT Ltd.**

dba: Cold Shot

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29 or renewed under section 34 of the *Passenger Transportation Act* before the special authorization approved in this decision may be exercised.

#### **A. Direction to the Applicant Regarding Notice and Implementation**

Unless otherwise ordered by the Passenger Transportation Board, Balwaria Empire PVT Ltd. must post time schedules online and make available to the public online its reservation system no later than **April 17, 2019** to enable advance bookings.

#### **B. Direction to the Registrar of Passenger Transportation Regarding Issuance**

The Registrar of Passenger Transportation (Registrar) may only issue a licence to Balwaria Empire PVT Ltd. with terms and conditions approved in this decision and set out in Appendix II after the Registrar is satisfied that Balwaria Empire PVT Ltd. has posted time schedules online and made available to the public its online reservation system.

**Appendix II: Terms & Conditions**

**Balwaria Empire PVT Ltd.**

dba: Cold Shot

<b>Licence Required to Operate Vehicles</b>	The Registrar of Passenger Transportation must issue the applicant a licence before the applicant can operate any vehicles approved in this decision.
<b>Approval of application may expire</b>	<ol style="list-style-type: none"> <li>1. The applicant must activate at least 1 vehicle by <b>April 23, 2019.</b></li> <li>2. If the applicant does not meet the requirements set out in 1 above, this Special Authorization expires.</li> <li>3. The Passenger Transportation Board may vary the requirements set out in 1 above, if circumstances warrant.</li> <li>4. If an applicant needs more time to activate vehicles, then the applicant must make a request to the Board before <b>April 23, 2019..</b></li> </ol> <p>(Note: “activate” means that the applicant has submitted the documents required to obtain a Special Authorization Vehicle Identifier to the Registrar of Passenger Transportation.)</p>
<b>Notice to Registrar</b>	<p>The Registrar must not, without direction from the Board, issue the applicant a licence if the applicant has not activated at least 1 vehicle by <b>April 23, 2019..</b></p> <p>(Note: activated means that the applicant has submitted to the Registrar of Passenger Transportation the documents required to obtain a Special Authorization Vehicle Identifier.)</p>

<b>Special Authorization</b>	<b>Inter-City Bus (ICB)</b>
<b>Terms &amp; Conditions</b>	
<b>Services</b>	
Service	Transportation of passengers must be provided: <ol style="list-style-type: none"> <li>a) on a scheduled basis, and</li> <li>b) in accordance with minimum frequencies and other terms and conditions of licence that apply to the routes and route points.</li> </ol>
Schedule	The licence holder must publish, in a manner accessible to the general public, a schedule for each route with the time and location of each stop, and must carry in each vehicle a copy of the schedule that the vehicle is following.

Service Exception	<p>Routes may only be operated on a “pre-booked” or “reservation required” basis if the route points are:</p> <ul style="list-style-type: none"> <li>a) designated as reservation required in the licence,</li> <li>b) identified as pre-booked or reservation required in all current, published schedule information, and</li> <li>c) available at all times for pre-booking or reservation on the licensee’s website.</li> </ul> <p>When these conditions are met and when no reservations have been received for pick up or drop off at one or more points on the route by the time service is scheduled to be provided, the licence holder has the option of not providing service to those points that would otherwise be required.</p>
Alternative Points	The licence holder may pick up or drop off passengers at any location, municipality or unincorporated area that is between the terminating points and along the highway corridors for the inter-city bus route below.
<b>Route A</b>	
Terminating Point 1:	<b>City of Fort St. John</b>
Terminating Point 2:	<b>BC / AB Border (at Highway 2)</b>
Corridors:	Highway 97: FSJ – Dawson Creek Highway 2: Dawson Creek – Alberta Border
Route Points	Minimum Trips (each direction)
City of Fort St. John	5 per week
City of Dawson Creek	5 per week
BC / Alberta Border (HWY 2)	n/a
<b>Other</b>	
Transfer of a Licence	This special authorization may not be assigned or transferred except with the approval of the Board pursuant to section 30 of the <i>Passenger Transportation Act</i> .