

Decision No. 50725**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Sequoia and Kings Canyon National Parks
 Co., a corporation, for an "in lieu"
 certificate authorizing operations from
 Tulare, California, in the place and
 stead of present operations from Fresno,
 California, in connection with service
 to and from Sequoia National Park and
 for appropriate authority to abandon
 service at certain points, and for an
 order authorizing sight-seeing service
 between Giant Forest, Sequoia National
 Park, and Grant Grove and Cedar Grove.

Application No. 30120

O P I N I O N

This application filed September 28, 1954, is a request to amend Decision No. 42819 dated May 3, 1949 in the above-numbered proceeding. Three changes are sought. First, instead of the certificate providing for "on-call" service during the off-season upon demand of fixed numbers of tickets it is requested that "on-call" service shall be performed upon demand and the payment of such charges as may be published from time to time in applicant's tariff. Second, it is desired that the season during which the regular scheduled services are to be performed shall coincide with the official opening and closing at the parks involved as determined by the opening and closing of facilities for the accommodation of tourists. Third, it is requested that the authorized "on-call" operations be extended to include the points of Roaring River Falls and Copper Creek.

As justification for the first requested change it is alleged that because of the changing conditions from season to season the increase and decrease in costs of operation, and the

fluctuation in the amount of traffic available, it is impossible to provide the service during the off-season periods upon demand of a patron and the purchase of a single ticket. The changing conditions make it desirable that the minimum number of fares required for an on-call service be stated in applicable tariffs rather than as a condition contained in the certificate of public convenience and necessity. In this manner changing conditions in the future may be met by appropriate tariff publication rather than by application for modification of operating authority.

The justification for the next requested change appears obvious. Applicant states that depending upon weather conditions and demand in the future the season may be lengthened or shortened. The applicant alleges that it gives widespread notice of opening and closing of facilities in its advertising and tariff circular distribution so that no hardship will flow to the public as a result of the indefiniteness in the certificate proper.

As to the extension of service it is alleged that the highway between Giant Forest and Cedar Grove via Grant Grove has been improved to Roaring River Falls a distance of approximately three miles and that in the ensuing season in 1955 said highway will be extended to Copper Creek, an additional three miles. This extension of service is asserted to be in the public interest because of the scenic beauty in the area of this new highway construction.

The Commission finds the requested changes and the extension to be in the public interest and the application for modification of said Decision No. 42819 will be granted by the following amendments thereto. A public hearing is not necessary.

O R D E R

Application therefor having been filed, the Commission being fully advised in the premises and finding that public convenience and necessity require the extension sought,

IT IS ORDERED:

(1) That subparagraph (b) of ordering paragraph (1) of Decision No. 42819 dated May 3, 1949 in Application No. 30120 be, and it hereby is, amended to read as follows:

(b) Except for the period while the parks are officially open as determined by the opening and closing of facilities therein for the accommodation of tourists, when the service shall be daily, applicant's service shall be "on-call" and shall be made upon demand and the payment of such charges as may be established from time to time in its tariffs.

(2) That subparagraph (c) of ordering paragraph (1) of said Decision No. 42819 be, and it hereby is, amended to read as follows:

(c) The sight-seeing service shall be operated between Giant Forest, on the one hand, and Grant Grove and Cedar Grove and to and including Roaring River Falls and Copper Creek on the other hand, as an "on-call" tour and shall be made upon demand and the payment of such charges as may be established from time to time in applicant's tariff.

(3) That the route description under the heading "Sight-seeing Service" in subparagraph (c) of ordering paragraph (2) in said Decision No. 42819 be, and it hereby is, amended to read as follows:

From Giant Forest, on the one hand, to Grant Grove, and Cedar Grove, and to, and including Roaring River Falls, and Copper Creek, on the other hand, and return, over and along the most appropriate streets, roads, and highways in said parks, and over General Highway and State Highway 180.

(4) That except as amended by ordering paragraphs (1) (2) and (3) herein said Decision No. 42819 shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of NOVEMBER, 1954.

John E. Mitchell
 PRESIDENT

JUSTIN J. CASSELL

Lawrence Pettit

James Higgins

Royce Lutzinger
 COMMISSIONERS