

**ORIGINAL**

Decision No. 67304

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JOHN H. DEAN, doing business as )  
PERSONALIZED HOLLYWOOD TOURS, for )  
a Certificate of Public Convenience )  
and Necessity. )

Application No. 45882  
(Filed October 18, 1963)

Cayer & Hegner, by John J. Cayer, for  
applicant.  
John L. Hughes, for Tanner Motor Tours  
Ltd., protestant.  
William B. Burge, Deputy City Attorney,  
for the City of Los Angeles,  
interested party.  
William R. Kendall, for the Commission  
staff.

O P I N I O N

By this application John H. Dean seeks authority to establish and operate two sightseeing tours between motels located in a described area in the Hollywood district of Los Angeles, on the one hand, and points of interest in (1) Hollywood and Beverly Hills and (2) the Civic Center area, Wilshire Boulevard, east of Western Avenue, and Griffith Park Observatory.

The service would be operated on an "on call" round-trip basis for a minimum of five passengers. The proposed fares are \$4.75 per adult and \$3.00 per child under twelve years of age.

Applicant has named twenty-two motels within the area bounded on the north by Franklin Avenue, on the east by Vermont Avenue, on the south by Santa Monica Boulevard, and on the west by Highland Avenue, which he proposes to serve.

The application having been protested by Tanner Motor Tours Ltd. (hereinafter referred to as Tanner), the matter was set for hearing in Los Angeles on March 26, 1964, before Examiner Chiesa and was submitted for decision on said date.

Applicant and six motel owners or managers testified in support of the application. Protestant's traffic manager also testified and exhibits were offered by applicant and protestant.

The evidence shows that applicant until recently operated a motel in the said area; that in the summer of 1961, Tanner, for reasons of economy, discontinued its sightseeing service at various motels situated in the said area; in July of 1963, applicant commenced a sightseeing operation similar to that herein proposed without benefit of a certificate of public convenience and necessity; upon being advised that a certificate was required, this application was filed; in September of 1963, Tanner resumed service and is now stopping for motel guests at various points along its route of service within the area.

The motel operators testified that, generally, the service applicant was rendering and the Tanner service were satisfactory. Some preferred applicant's service because he would stop right at the motel whereas, in some instances, their guests would have to meet the Tanner bus by crossing the street or at its point of pickup. While the two tours offered by applicant and Tanner's Tours Nos. 2, 5, 8 and 9 (Exhibits 6 and 7) vary somewhat, they are sufficiently similar to give the tourist a satisfactory view of the places of interest in the area involved. In fact, the witnesses called by applicant testified that their guests expressed satisfaction as to both services.

Applicant's equipment is a 9-passenger station wagon, and if patronage justifies, he would lease larger equipment. Tanner operates numerous sightseeing buses and has scheduled morning and afternoon trips in the area proposed to be served by applicant.

Estimated results of operation cannot be determined nor does the evidence show what effect the operation of an additional service, as proposed, would have on protestant's business. It is the contention of Tanner that it is now satisfactorily serving the same area proposed to be served by applicant. There is no substantial contradictory evidence.

The Commission having considered the matter finds (1) that public convenience and necessity do not require the operation of an additional passenger stage sightseeing service as proposed by applicant, John H. Dean, and (2) that public convenience and necessity require the operation of a sightseeing service as operated by Tanner Motor Tours, Ltd.

O R D E R

IT IS ORDERED that:

1. Application No. 45882 be and it hereby is denied.

2. Tanner Motor Tours, Ltd. shall continue to operate its sightseeing service substantially as now provided until further order of this Commission.

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

Dated at San Francisco, California, this 3rd day of June, 1964.

Stella Bernick  
President

Robert E. Smith

Edward W. Dope

George J. Hoover

Fredrick B. Holhoff  
Commissioners