

ORIGINALDecision No. 69571

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Appli-)
 cation of ORANGE COAST SIGHT-)
 SEEING COMPANY, a corporation,)
 for a certificate of public)
 convenience and necessity for)
 sightseeing service and to)
 issue and sell stock; the)
 Application of AIRPORT COACH)
 SERVICE for authority to pur-)
 chase stock of a utility and)
 to lease equipment.)

Application No. 47707
 (Filed June 24, 1965)

O P I N I O N

Applicant was recently incorporated under the laws of this State for the purpose of engaging in business as a passenger stage corporation. By this application it seeks authority to establish a sightseeing service in Orange County between the Buena Park and Disneyland areas and places of interest in Orange County, such as Balboa Island, Laguna Beach, the Mission San Juan Capistrano and the new campus of the University of California, (Exhibit C).

Applicant will become a wholly owned subsidiary of Airport Coach Service, a California corporation (Airport), now operating a passenger stage airport service. Applicant is also applying for authority to sell 100 shares of its \$100 par value stock to Airport to net \$10,000 which will be used for organization expenses, acquisition of property and facilities, and working capital. It proposes to lease buses as needed from the parent

company. Flexible Starliner air-conditioned coaches, with public address system for sightseeing purposes, will be used. The rental for each bus will be \$35 or \$41 per day, depending on the seating capacity.

The approximate duration of the tour will be four hours and the fare to be charged will be \$5.00 for adults and \$2.50 for children.

As of December 31, 1964, Airport's financial statements filed with this application show total assets of \$238,388; total liabilities of \$153,909; net worth of \$84,479, represented by capital stock outstanding in the amount of \$24,000 and earned surplus of \$60,479.

Applicant bases its request on population, attractions, tourists visiting Orange County, and a lack of a similar sightseeing service.

The application is not opposed and has been favorably recommended by the Commission staff.

After consideration, the Commission finds that:

1. Public convenience and necessity require that applicant establish and operate a sightseeing passenger stage service as hereinafter set forth.

2. The money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

3. The proposed lease and the proposed acquisition of stock by Airport would not be adverse to the public interest.

The application will be granted.

Orange Coast Sightseeing Company, a corporation, is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that

originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Orange Coast Sightseeing Company, a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, Orange Coast Sightseeing Company shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, Orange Coast Sightseeing Company shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98 and insurance requirements of the Commission's General Order No. 101-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the safety rules, or the provisions of General Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.

- (b) Within one hundred twenty days after the effective date hereof, Orange Coast Sightseeing Company shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98.

3. On or after the date of this order and on or before November 30, 1965, Orange Coast Sightseeing Company may sell and issue not to exceed 100 shares of its capital stock at par value of \$100 per share and shall use the proceeds as hereinabove indicated, and shall file with this Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

4. Airport Coach Service may purchase, acquire, take and hold not to exceed 100 shares of capital stock of Orange Coast Sightseeing Company.

5. Airport Coach Service may lease equipment to Orange Coast Sightseeing Company in the manner and for the purpose set forth in this proceeding.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 14th day of SEPTEMBER, 1965.

Frederick B. Holbrook
President

George L. Grover

Commissioners

ORANGE COAST SIGHTSEEING COMPANY
(a corporation)

Appendix A

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CERTIFICATE
of
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

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.

Issued under authority of Decision No. 69571
dated SEPTEMBER 14, 1965, of the Public Utilities
Commission of the State of California on Application
No. 47707.

ORANGE COAST SIGHTSEEING COMPANY
(a corporation)

Appendix A

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Orange Coast Sightseeing Company, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct a sightseeing service for the transportation of passengers between certain service areas as hereinafter set forth, on the one hand, and points of interest in Orange County, on the other hand, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (e) Regular scheduled daily service shall be operated from June 16 through September 15 each year. From September 16 through June 15, applicant will not be obligated to render service for less than fifteen (15) adult fare paying passengers.

Issued by California Public Utilities Commission.

Decision No. 69871, Application No. 47707.

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(a corporation)

Appendix A

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SECTION 2. SERVICE AREAS

Passengers may be picked up and discharged at any point within the following described areas, subject to local traffic regulations:

1. Buena Park
 - (a) Beach Boulevard and Grand Avenue between Azalea Drive and Crescent Avenue.
 - (b) Crescent Avenue between Grand Avenue and Beach Boulevard (Highway 39).
2. Anaheim
 - (a) Katella Avenue between Walnut Street and Master Street.
 - (b) Harbor Boulevard between Katella Avenue and Santa Ana Freeway.
 - (c) West Street between Katella Avenue and Ball Road.
 - (d) Ball Road between West Street and Santa Ana Freeway.

Issued by California Public Utilities Commission.

Decision No. 69671, Application No. 47707.

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(a corporation)

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SECTION 3. ROUTE DESCRIPTIONS

Tour No. 1

Commencing at the intersection of Beach Boulevard and Azalea Drive in Buena Park, thence along Beach Boulevard, Grand Avenue, Crescent Avenue, Beach Boulevard (Highway 39), Lincoln Avenue, Euclid Street, Katella Avenue, Harbor Boulevard (loop at Santa Ana Freeway), Katella Avenue, West Street, Ball Road, (loop at Santa Ana Freeway), West Street, Katella Avenue, Haster Street, thence via the most direct and appropriate route to Orange County points and places of interest including Anaheim Stadium, Orange and Santa Ana residential areas to Orange County Airport; Movieland of the Air; University of California Irvine Campus, the Old Salt Works, upper Newport Bay, Newport Dunes, Balboa Island, Lido Island, Newport Beach (Balboa Pavilion), Corona del Mar, Emerald Bay, Laguna Beach, Irvine Bowl, Laguna Niguel, Dana Point Lookout, Mission San Juan Capistrano, Irvine Ranch, El Toro Marine Air Station, thence return to Anaheim and Buena Park via the most direct and appropriate route.

Issued by California Public Utilities Commission.

Decision No. 69571, Application No. 47707.