

ORIGINAL

Decision No. 70250

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
VISITOURS, INC., a Corporation, for
Certificate of Public Convenience and
Necessity to operate a guided tour
passenger service within the COUNTY
OF SAN DIEGO.

Application No. 47622
(Filed May 26, 1965)

Frank Levin, for applicant.

John L. Hughes, for Tanner Motor Tours, Ltd.,
William T. Meinhold, for Greyhound Lines, Inc.
(Western Greyhound Lines Division), protestants.

William R. Kendall, for the Commission staff.

O P I N I O N

Applicant seeks authority to operate a passenger stage service on a guided tour sightseeing basis in the County of San Diego and to Mexico.

A public hearing was held before Examiner Porter on September 14, 1965, at San Diego, at which time the matter was submitted.

Applicant plans three tours. On the morning and evening tours the vehicles and passengers cross the border between Mexico and the United States of America at the San Ysidro border crossing. As to these tours the Commission does not have jurisdiction. The third tour, known as the afternoon tour, is conducted in and around the City of San Diego. Applicant in operating this tour between January 1965 and September 10, 1965 has transported 622 passengers. The fare is \$5.50 per person.

Applicant testified, through its president, that it has two 1964 deluxe vehicles capable of transporting eight passengers. It has no fixed pickup point but picks up passengers at various hotels

and motels in the San Diego area. The vehicles are air conditioned and have a public address system. The driver describes points of interest and will stop to allow pictures to be taken. The passengers are returned to their point of origin at the end of the tour.

Applicant considers its transportation a deluxe personalized service for small groups. For the period June 1, 1964 to February 28, 1965, applicant shows a net loss of \$3,391, but believes that business will improve and a profit will be realized.

Protestants testified as to their services, equipment and rates.

After consideration, the Commission finds that applicant performs a specialized service required by public convenience and necessity and concludes that the application should be granted as to the afternoon tour.

Applicant 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 Visitours, Inc., 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, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant 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 comply with and observe the safety rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-A. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A 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, applicant 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-A.

(e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. In all other respects, Application No. 47622 is dismissed.

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

Dated at San Francisco, California, this 18th day of JANUARY, 1966.

Frederic B. Holcomb
President
John E. McMillin
George F. Trover
Augustus
William C. Bennett
Commissioners

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. 70250
dated January 18, 1966, of the Public Utilities
Commission of the State of California, on
Application No. 47622.

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

Visitours, Inc. by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing purposes through certain sections of the City of San Diego, hereinafter described as the San Diego Service Area, with pickup points to be designated in the City and County of San Diego, and subject to the following conditions:

- (a) Service shall be limited to the transportation of round-trip passengers only.
- (b) Sightseeing attractions shall be restricted to the San Diego Service Area.
- (c) Service shall be over and along the most direct and appropriate route or routes.
- (d) Points of interest to be serviced and pickup points shall be named in applicant's tariff.

Issued by California Public Utilities Commission.

Decision No. 70250, Application No. 47622.

SECTION 2. ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify at any time, Visitours, Inc. shall conduct its sightseeing passenger stage operation within the San Diego Service Area, with pickup points to be located in the City and County of San Diego; service from said pickup points to the service area shall be over and along the most direct and/or appropriate route or routes.

San Diego Service Area

All points and places in the City of San Diego north of an east-west prolongation of Market Street (City of San Diego).

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