

Decision No. 79688

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of A. C. CAL SPANISH TOUR SERVICE, )  
a partnership consisting of Hugo )  
Gilberto, Jose Mello, Victor )  
Meneses and Armando Re, for a cer- )  
tificate of public convenience and )  
necessity for passenger sightsee- )  
ing service in San Francisco, )  
Marin, San Mateo, Alameda, Santa )  
Cruz, Monterey, San Benito, and )  
Santa Clara counties. )

Application No. 52570  
(Filed April 21, 1971;  
Amended December 3, 1971)

O P I N I O N

This is an application by Victor Meneses and Graciela Arturi, a partnership doing business under the name of A. C. Cal Spanish Tour Service (hereinafter referred to as Spanish Tour) seeking a certificate of public convenience and necessity to operate as a passenger stage corporation for sightseeing purposes in the San Francisco Bay Area.

The verified application avers that Spanish-speaking persons who speak little or no English are not adequately served by the sightseeing tours in the San Francisco Bay Area. Spanish Tour proposes to operate four itineraries on schedule for five or more passengers having advance reservations. The tours would be narrated only in a foreign language, primarily Spanish. The tours would be limited to 10 patrons per vehicle.

Spanish Tour proposes to initially commence service with a 1969 11-passenger Ford Clubwagon van. The four proposed tour itineraries and proposed adult fares therefor are as follows: San Francisco By Day, \$7.50; Giant Trees Forest Muir Woods-Sausalito, \$8.50 (including admission to Muir Woods); San Francisco By Night, \$7.50 and Monterey-Carmel, Santa Cruz Cross Country, \$25 (including lunch).

The record indicates that Mr. Meneses is a native of Argentina. He speaks Spanish, Portuguese and Italian fluently. During his service with the United States Army, he conducted tours of San Francisco for Spanish-speaking official visitors. Mr. Meneses has experience driving buses. As a resident of Argentina, he owned a moving and storage business. Mr. Meneses is presently a partner in two restaurants in the Bay Area. Spanish Tour's present plans call for Mr. Meneses to conduct the tours. When a sufficient volume of business develops, more equipment will be added and other qualified personnel hired. Mrs. Arturi has experience as a secretary and bookkeeper. The record also discloses that Spanish Tour has the financial ability to conduct the proposed operations.

Statements supporting the proposed sightseeing service by the Counsel Generals of Argentina and Chile and others are attached to the application. Copies of the amended application were served on the Counties of San Francisco, Marin, San Mateo, Santa Cruz, Santa Clara, San Benito, Alameda and Monterey; the Cities of Sausalito, Santa Cruz and Monterey and Bay Rapid Transit, The Gray Line, Inc., California Parlor Car Tours Co. and Franciscan Lines. Originally, The Gray Line, Inc. and Franciscan Lines indicated that they desired to protest the application. Thereafter, Franciscan Lines advised the Commission that it had withdrawn its protest. The Gray Line, Inc. filed a "Conditional Protest and Request for Notice" which indicates that Gray Line has no objection to granting Spanish Tour the requested operating authority with the limitations set forth in the amended application.

The Commission makes the following findings and conclusion:

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Public convenience and necessity require that Spanish Tour be granted a certificate of public convenience and necessity to operate as a passenger stage corporation for sightseeing purposes, as hereinafter indicated.

3. Said certificate should be limited to provide that narra-  
tion on tours be conducted in foreign languages only; that Spanish  
Tour should not be authorized to transport more than 10 fare-paying  
passengers in any vehicle and that Spanish Tour should not be author-  
ized to use vehicles having a seating capacity of more than 11  
persons in addition to the driver.

4. Spanish Tour has the ability, including financial ability,  
to conduct operations under the certificate herein granted.

Conclusion of Law

The application should be granted.

Applicants are 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 Victor Meneses and Graciela Arturi, authorizing them to  
operate as a passenger stage corporation for sightseeing purposes,  
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, applicants shall comply with and observe the following  
service regulations. Failure so to do may result in a cancellation  
of the operating authority granted by this decision.

a. Within thirty days after the effective  
date hereof, applicants shall file a

written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, 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-A and insurance requirements of the Commission's General Order No. 101-C.

- b. Within one hundred twenty days after the effective date hereof, applicants 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. Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Diego, California, this 8th day of FEBRUARY, 1972

William J. Vukasin, Jr. Chairman  
[Signature]  
Vernon L. Stinson  
[Signature] Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.



NB

Appendix A VICTOR MENESES and GRACIELA ARTURI, Original Page 2  
dba  
A. C. Cal Spanish Tour Service

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## SECTION 2, Route Descriptions.

Tour  
No.

- 1 San Francisco By Day: Starting at passenger's hotel, to Civic Center, Mission Dolores, Twin Peaks, Golden Gate Park, Japanese Tea Garden, Cliff House, Golden Gate Bridge, Vista Point (in Marin County), Palace of Fine Arts, scenic view of Alcatraz Island, Fisherman's Wharf, Broadway Street, waterfront and scenic view of Treasure Island, return to hotel.
- 2 Giant Trees Forest Muir Woods-Sausalito: Starting at passenger's hotel, via Route 101 across the Golden Gate Bridge, to Vista Point, through Marin County into Muir Woods, back through Sausalito, return to hotel.
- 3 San Francisco By Night: Starting at passenger's hotel to Chinatown, Telegraph Hill, across Bay Bridge, return to Broadway Street (2 hours for visiting, at passenger's expense), return to hotel.
- 4 Monterey-Carmel Santa Cruz Cross Country: Starting at passenger's hotel, along coast highway, to Santa Cruz (visit natural bridges, Playland theatre of Miss California Pageant); to Monterey-Carmel (visit 17-mile drive, movie star homes, golf courses, etc.); return to San Francisco via Highway 101; return to hotel.

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