

Decision No. 83372

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE GRAY LINE TOURS COMPANY,
Complainant,

v.

PIED PIPER TOURS, INC.,
Defendant.

Case No. 9776

ORDER DENYING INTERIM RELIEF

Complainant, a passenger stage corporation and a Class "A" charter-party carrier, alleges that defendant:

"... has held and continues to hold itself out to provide transportation for the public on a per-capita basis in connection with sightseeing and related tours within the southern California area in competition with the certificated operations of complainant."

Complainant further alleges that defendant has no operating authority from this Commission to perform these activities. Copies of letters to and from the Commission and complainant, and brochures attributed to defendant, are attached to the complaint.

Complainant seeks, inter alia, an immediate order requiring defendant to cease and desist from unauthorized passenger stage operations.

The Commission is not persuaded that the facts, as alleged in the complaint and the attachments thereto, are sufficiently clear to warrant issuance of an immediate cease and desist order ex parte. We would prefer to have the advantage of pleadings from defendant. We note that the complainant does not allege that continuation of defendant's actions pending pleadings and

a hearing will cause complainant great and irreparable damage, thereby warranting the implementation of an extraordinary remedy.

IT IS ORDERED that complainant's request for an immediate cease and desist order is denied without prejudice to renewal at some future date subsequent to completion of the normal pleading procedure set forth in the Commission's Rules of Practice and Procedure.

This order is effective on the date of signing.

Signed at San Francisco, California, this 27th day of AUGUST, 1974.

Vernon L. Steyer
President
William Synovis, Jr.
[Signature]
[Signature]
Commissioners

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