

Decision No. 83643

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE GRAY LINE TOURS COMPANY )  
 and ORANGE COAST SIGHTSEEING )  
 COMPANY, )

Complainants, )

v. )

ORANGE COUNTY WHIRL-A-ROUND, )

Defendant. )

**ORIGINAL**

Case No. 9810

ORDER DENYING INTERIM RELIEF

Complainants are passenger stage corporations operating pursuant to certificates of public convenience and necessity issued by this Commission. They allege that defendant is conducting a competing passenger stage service without such a certificate and ask for an order from this Commission requiring defendant to cease and desist from this activity pending hearing and decision on the complaint.

The allegations in this complaint are more in the nature of conclusions, except for those made on information and belief or such inferences as may be drawn from brochures attached to the complaint. We note that even these brochures are not supported by statements as to where or how they were obtained or their distribution.

The authority to order a person to cease and desist from a business enterprise, which is contained in Section 1034 of the Public Utilities Code, is a discretionary power. It must be exercised with great circumspection. The vitality of a business, and the livelihood of those persons employed by that business, may well be endangered by interruptions. It is incumbent on those who seek the Commission to invoke this extraordinary remedy to take the pains to present a clear, factual, and convincing argument in their favor. No such attempt was made in this case.