

Decision No. 85700

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STUART ALAN MESSNICK, dba THE
CO-ORDINATORS, A CALIFORNIA
PASSENGER STAGE CORPORATION,

Complainant,

vs.

HOLIDAY TOURS, INC. - A CORPORATION,
Defendant.

Case No. 10078
(Filed April 12, 1976)

ORDER TO CEASE AND DESIST

Stuart Alan Messnick (Messnick), doing business as The Co-Ordinators, complains that Holiday Tours, Inc. (Holiday) is engaging in passenger stage transportation from Buena Park, California, to several points as hereafter discussed without authority from this Commission.

Attached to the complaint is a sworn statement which, to summarize it very briefly, indicates that Messnick went to the Holiday Inn in Buena Park on March 31 and April 1, 1976 and observed tickets being sold and buses being loaded for defendant's tours.

Also attached as Exhibit 1 to the complaint is a brochure prepared by defendant which indicates regular tours entitled as follows:

Disneyland
Night Club Tour
Universal Studio Tour
Hollywood Movie Stars Homes/Beverly Hills
Knott's Berry Farm/Movieland Wax Museum
(Shuttle Van from Hotel)
Down Mexico Way Tour
Southern Coastal Winery Tour
Queen Mary/Marineland Tour

Messnick operates a route for tour service between the Anaheim-Buena Park area and the Mexican Border, pursuant to a certificate we issued in Decision No. 84186 dated March 11, 1975 (Application No. 54963). A reading of the complaint and its exhibits indicates that defendant's "Down Mexico Way" tour is in direct competition with Messnick's service.

The Commission's records show that defendant holds no authority from this Commission to conduct any passenger stage operations. The complaint states that Messnick notified defendant Holiday of the unlawfulness of its operation and that defendant indicated that its tour service would continue.

Based on the facts set forth in the complaint, the sworn statement, and the exhibits attached to the complaint, we find that the defendant should be ordered to cease and desist from all passenger stage operations and from holding itself out as a passenger stage corporation until after a hearing, and by our further order, we determine whether defendant is violating Public Utilities Code Sections 1031 and 5402, Penal Code Section 654.1, or any other provisions of law.

IT IS ORDERED that defendant, Holiday Tours, Inc. shall cease and desist from conducting operations as a passenger stage corporation, and shall cease and desist from holding itself out to provide passenger stage service, until further order of this Commission.

NOTICE IS HEREBY GIVEN that a hearing to inquire into whether this cease and desist order should be continued in effect or terminated shall be held before Examiner Blecher on Friday, April 30, 1976, at 10:00 a.m. in the Commission's Courtroom, 107 South Broadway, Los Angeles, California.

The Executive Director is directed to cause a certified copy of this order to be personally served forthwith upon the defendant and is further directed to serve a certified copy by mail upon the complainant.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th
day of APRIL, 1976.

President
William Symons Jr.
Vernon L. Sturgen

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Rotinovich, being necessarily absent, did not participate in the disposition of this proceeding.