

ORIGINAL

Decision No. 86176

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA PARLOR CAR TOURS COMPANY)
(a California corporation), Jack Tar
Hotel, Van Ness and Geary Streets,
San Francisco, California 94101,

Complainant,

vs.

LOUNGE CAR TOURS, INC.,
27 West Merrick Road, Freeport,
New York 11520,

Defendant.

Case No. 10138
(Filed July 12, 1976)

ORDER TO CEASE AND DESIST

Complainant holds a certificate of public convenience and necessity authorizing it, among other things, to transport passengers and their baggage in sightseeing and pleasure tour service between San Francisco and Los Angeles over U.S. Highway 101, between San Francisco and Merced over various highways, between Merced and Los Angeles over U.S. Highway 99, and various other points. Complainant serves Hearst Castle, Monterey, Santa Barbara Mission, Danish Solvang, Yosemite National Park, Carmel Mission, and many other points on the aforesaid routes.

The complaint alleges that defendant holds no operating authority from the Commission and that defendant, individually or in concert with others, holds itself out to provide, directly or indirectly, is arranging to provide, is offering to provide, and/or is otherwise representing to the public to provide, ground motor transportation service to the public, or a portion thereof, for compensation which ground transportation motor carrier services are

wholly within the State of California, in violation of Section 1031 of the Public Utilities Code. An affidavit and exhibits thereto attached to the complaint support the allegations. The exhibits indicate that defendant has distributed literature to the general public indicating that commencing August 3, 1976 it will provide service substantially similar to that provided by complainant.

Part of the relief sought by complainant herein is an order requiring defendant and others to cease and desist from holding out, providing, or arranging or offering to provide passenger stage service pending further order of the Commission. We are of the opinion that good cause has been shown for the issuance of such an order.

IT IS ORDERED that Lounge Car Tours, Inc. and any person, corporation, or entity acting as its agent, partner, joint adventurer, or in any capacity in connection therewith shall cease and desist from holding out, providing, or offering, or arranging to provide passenger stage service, on an individual fare basis, between San Francisco and Los Angeles and all intermediate points, including, but not limited to, Yosemite National Park, Monterey Peninsula, and San Luis Obispo pending further order of this Commission.


Hearings on this matter may be scheduled following completion of the normal pleadings contemplated in the Commission's Rules of Practice and Procedure.

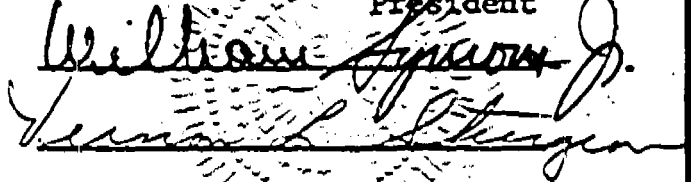
The Executive Director is directed to cause a certified copy of this order on defendant by certified mail, pursuant to Section 415.40 of the Code of Civil Procedure.

Complainant may cause copies of this order to be personally served on the defendant or any person, corporation, or entity acting as its agent, partner, joint adventurer, or in any other capacity in connection therewith. Complainant shall file with the Commission proof of any such personal service which may be made within five days of such service.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th
day of JULY, 1976.



President


Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

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