

ORIGINAL

Decision No. 86460

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
(1) Peter Myers
(2) Patricia Hale
(3) Dorothy Keech
for certificate of public convenience
and necessity to operate a passenger
service of sight-seeing tours.

Application No. 56076
(Filed November 19, 1975;
amended February 3, 1976
and June 21, 1976)

Peter Myers, for San Jose Tours Co., applicant.
Masaru Matsumura, for the Commission staff.

O P I N I O N

Peter Myers, Patricia Hale, and Dorothy Keech, dba San Jose Tours Co. (applicants), request a certificate of public convenience and necessity to operate as a passenger stage corporation to conduct sightseeing tours from the city of San Jose to various points in Santa Clara and Monterey Counties. The application was filed November 19, 1975 and amended February 3, 1976 and June 21, 1976. Hearing was held at San Francisco on April 26, 1976 before Examiner Banks at which time the matter was submitted subject to the filing of proposed timetable and fares. There were no protests. The additional material has been filed and the matter is now ready for decision.

The proposed service would be provided through the use of a 16 - 19 passenger Mercedes-Benz bus. Additional equipment would be purchased as required.

Applicants propose to operate four tours as follows:

Tour No. 1 Tour of Metropolitan San Jose
Adult fare \$12 Child fare \$8
9:00 - 12:00 M-W-F
1:00 - 4:00 T-Th

- Tour No. 2 Special Shopping and Wine
Tasting
Adult fare \$10 Child fare \$7
1:00 - 4:00 M-W-F
- Tour No. 3 Roaring Camp Narrow Gauge RR
and Santa Cruz
Adult fare \$22 Child fare \$15
10:00 - 4:00 Sat.
- Tour No. 4 Brunch, Browse and Wine
Tasting Tour
Adult fare \$16 Child fare \$10
10:00 - 4:00 Sun.

Applicants state that the proposed service is not presently available and that service on all tours would commence immediately upon certification.

Findings

1. At the present time there is no sightseeing service in the San Jose-Santa Clara County-Monterey County area similar to that offered by applicants.

2. Public convenience and necessity require sightseeing service in the San Jose-Santa Clara County-Monterey County area.

3. Applicants possess the necessary financial ability and responsibility to conduct the proposed service.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion

A certificate of public convenience and necessity to operate as a passenger state corporation as set out in the ensuing order should be granted to applicants.

Applicants are 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. 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 Peter Myers, Patricia Hale, and Dorothy Keech, dba San Jose Tours Co., authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicants shall establish the authorized service 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 authorized service.

- (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-Series and 98-Series.
- (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 Francisco, California, this 5th
day of OCTOBER, 1976.

President

 Commissioners

DDM

Appendix A

Peter Myers, Patricia Hale,
and Dorothy Keech
dba SAN JOSE TOURS COMPANY

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

TO OPERATE AS A PASSENGER STAGE CORPORATION

Showing passenger stage operative rights, restrictions, limitations,
exceptions and privileges applicable thereto.

All changes and amendments as authorized by the Public Utilities Commission of
the State of California will be made as revised pages or added original pages.

Issued under authority of Decision No. 86460,
dated OCT 5 1976, 1976, of the Public Utilities
Commission of the State of California, in Application No. 56076.

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Appendix A

Peter Myers, Patricia Hale,
and Dorothy Keech
dba SAN JOSE TOURS COMPANY

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS AND SPECIFICATIONS.

Peter Myers, Patricia Hale and Dorothy Keech, doing business as San Jose Tours Company, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, are authorized to operate as a Passenger Stage Corporation to transport sightseeing passengers between the City of San Jose, on the one hand, and certain points in the Counties of Santa Clara and Santa Cruz, on the other hand, as named herein, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- (a) Carrier may make stopovers for the purpose of permitting sightseeing passengers to visit points of interest along and in the vicinity of the tours.
- (b) All tours herein authorized shall be limited to the transportation of round-trip passengers only.
- (c) Carrier shall use the most appropriate and convenient streets, roads and highways to transport its sightseeing passengers on its tours.
- (d) Sightseeing passengers shall commence and terminate trips at:
 - (1) Hyatt House Hotel, 1740 N. First Street, Le Baron Hotel, 1350 N. First Street and Holiday Inn Downtown, 282 Almaden Road, San Jose, on Tours 1 and 2; and
 - (2) Hyatt House Hotel, 1740 N. First Street, Le Baron Hotel, 1350 N. First Street, Holiday Inn Downtown, 282 Almaden Road, San Jose and Los Gatos Lodge, 50 Saratoga Avenue, Los Gatos, on Tours 3 and 4.

Issued by California Public Utilities Commission.

Decision No. 86460, Application No. 56076.

SECTION 2. TOUR DESCRIPTIONS.

Tour Number

- 1 METROPOLITAN SAN JOSE
Commencing from the respective hotels named herein, thence over the most appropriate thoroughfares visiting and seeing Santa Clara County Civic Center, Downtown San Jose, San Jose State University, Mission Santa Clara, University of Santa Clara and a guided tour of the Winchester Mystery House.
- 2 BRUNCH, BROWSE AND WINE TASTING TOUR
Commencing from the respective hotels named herein, thence over the most appropriate thoroughfares visiting and seeing "Old Town", Los Gatos, Villa Montalvo, Hakone Gardens, Paul Masson Champagne and Wine Cellars and brunch at the La Hacienda Inn, Saratoga or an alternative restaurant.
- 3 SPECIAL SHOPPING AND WINE TASTING TOUR
Commencing from the respective hotels named herein, thence over the most appropriate thoroughfares visiting and seeing Paul Masson Champagne and Wine Cellars, Saratoga and Pruneyard Shopping Center, Campbell.
- 4 ROARING CAMP NARROW-GAUGE RAILROAD SANTA CRUZ TOUR
Commencing from the respective hotels named herein, thence over the appropriate thoroughfares to Roaring Camp for a railroad excursion tour on the Roaring Camp & Big Trees Narrow-Gauge Railroad through the giant redwoods, thence lunch at Roaring Camp near Felton or on Santa Cruz Wharf, viewing and seeing Santa Cruz Wharf, Cliff Drive, Santa Cruz, Mission Santa Cruz and the Campus of University of California at Santa Cruz.