

ORIGINAL

Decision 84 02 086

FEB 16 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
THE ARCHES RESTAURANT, INC. dba THE)
ARCHES RESTAURANT, THE ARCHES)
LIQUOR STORE for a Class B charter)
bus certificate from home terminal)
in Newport Beach.)

Application 83-08-09
(Filed August 3, 1983)

O P I N I O N

This is an application by The Arches Restaurant, Inc. (applicant) seeking a certificate of public convenience and necessity to operate as a Class B charter-party carrier of passengers. Applicant requests authority to operate from a service area within a radius of 40 air miles from a terminal in Newport Beach.

Notice of the application appeared in the Commission's Daily Calendar on August 5, 1983. There are no protests.

The assigned Administrative Law Judge advised applicant that further information was needed before the application could be considered. The matter was held in abeyance pending receipt of this information which has now been received and is designated as Exhibit 1.

The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicant had net assets of \$533,031 as of April 30, 1983.
3. Applicant proposes to conduct the service with a 1983 Cadillac 7-passenger limousine which it owns.
4. Three members of the public have indicated that they have a need for and would use the proposed service.
5. Applicant has the ability, experience, equipment and financial resources to perform the proposed service.
6. Public convenience and necessity require the service proposed by applicant.
7. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its terminal at 3334 West Coast Highway, Newport Beach.
8. 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 of Law

Public convenience and necessity have been demonstrated and a certificate should be granted.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to The Arches Restaurant, Inc. authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code Section 5383, from a service area within a radius of 40 air miles from applicant's home terminal at 3343 West Coast Highway, Newport Beach.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicles used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission.

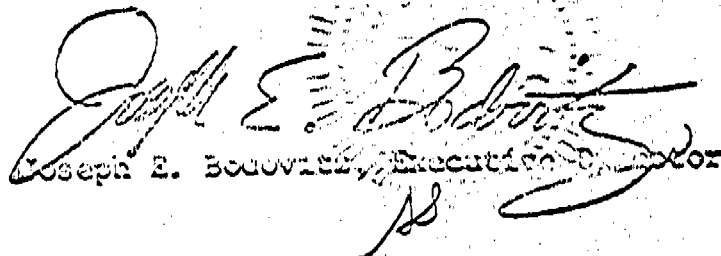
This order becomes effective 30 days from today.

Dated FEB 16 1984 at San Francisco, California.

LEONARD M. GRIMES, JR.
President
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitch, Executive Director