

ORIGINAL

Decision 84 04 071

APR 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of GERARD B. O'CONNELL and PAUL V. )  
O'CONNELL dba PACIFIC COAST SIGHT- )  
SEEING TOURS LTD. for certificate )  
of public convenience between the )  
city of Anaheim, California and )  
the city of Costa Mesa, California. )

Application 83-12-20  
(Filed December 12, 1983;  
amended February 15, 1984)

O P I N I O N

Applicants Gerard B. O'Connell and Paul V. O'Connell, dba Pacific Coast Sightseeing Tours, Ltd., a partnership, have applied for a certificate of public convenience and necessity as a passenger stage corporation (Public Utilities (PU) Code Sections 1031 to 1039).

Applicants presently operate sightseeing buses and now propose to engage in passenger stage operations by providing shuttle bus service between the hotels and motels in the Disneyland area in the City of Anaheim and the South Coast Plaza shopping complex in the City of Costa Mesa. Applicants will use three buses having passenger-carrying capacities which range from 15 to 39 passengers. The buses will run daily departing from hotels/motels in the Disneyland area at 9:00, 11:00, 13:00, 15:00, 17:00, and 19:00; and from the South Coast Plaza in Costa Mesa at 10:00, 12:00, 14:00, 16:00, 18:00, and 21:00. The proposed one-way fares are \$3 per adult and \$1.50 per child.

Applicants allege that the proposed operations are required:

"Disneyland and the surrounding hotel and motel accommodations constitute a major hub of activity in the County of Orange; people are attracted to and converge upon that area from throughout the world. Within the County of Orange and approximately twelve (12) miles distant, in the City of Costa Mesa, lies the South Coast Plaza shopping and cultural complex which is not only a world renowned shopping center, but will soon become an equally significant center of culture, art and drama; a garden featuring works of art by Isamu Noguchi, already graces a part of the complex which will soon include the Orange County Music Center. Disneyland is already world famous and attracts visitors continuously from throughout the world; soon the South Coast Plaza center of shopping and culture will attract a significant number of similar travelers, and because of the proximity of the two centers of attraction, such visitors should have an opportunity to conveniently visit both. Currently, there exists no single mode of transportation which directly links the hotel areas of Disneyland and South Coast Plaza; by using the service proposed herein, visitors will be able to board a bus at any one of a number of hotels in the Disneyland area to, within the same day, visit South Coast Plaza; similarly, visitors of the South Coast Plaza area will be able to conveniently visit the Disneyland area."

According to Exhibit D attached to the application, applicants' revenues have been exceeding expenses by more than \$2,000 monthly in their sightseeing-tour business.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of December 19, 1983. No protests have been received.

Findings of Fact

1. Applicants have the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicants.
3. No protest has been received and a public hearing is not necessary.
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.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. This order should become effective immediately as public convenience and necessity have been demonstrated.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Gerard B. O'Connell and Paul V. O'Connell, authorizing them to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix PSC-1333, to transport persons and baggage.

2. Applicants shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in their tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol (CHP) safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

3. This certificate does not authorize the holders 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.

4. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to applicants that they have evidence of insurance on file with the Commission and that the CHP has approved the use of applicants' vehicles for service.

5. The application is granted as set forth above.  
This order is effective today.

Dated April 18, 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

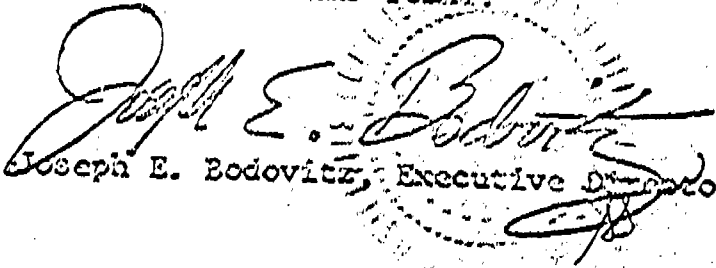
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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

  
Joseph E. Bodovitz, Executive Director

Appendix PSC-1333

GERARD B. O'CONNELL  
AND  
PAUL V. O'CONNELL

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC - 1333

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

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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.

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Issued under authority of Decision S4 04 071, dated  
APR 18 1984, of the Public Utilities Commission of  
the State of California in Application 83-12-20.

Appendix PSC-1333

GERARD B. O'CONNELL  
AND  
PAUL V. O'CONNELL

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

Gerard B. O'Connell and Paul V. O'Connell, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport persons and baggage, between Anaheim and Costa Mesa (Orange County), over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- b. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.

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SECTION 2. AUTHORIZED SERVICE TERRITORY.

The Anaheim Service Territory includes all hotels and motels within the following boundaries: Lincoln Avenue, on the north; State College Blvd., on the east; Chapman Avenue, on the south; and Euclid Avenue, on the west.

SECTION 3. ROUTE DESCRIPTION

Beginning at the Anaheim Service Territory then via Katella Blvd., Santa Ana Freeway (I-5), Newport Freeway (Rte 55), San Diego Freeway (I-405) and Bristol Street to the South Coast Plaza Shopping Center in Costa Mesa.

Alternate Route

Beginning at the Anaheim Service Territory then southbound on Harbor Blvd. to Sunflower Avenue then eastbound on Sunflower Avenue to the South Coast Plaza Shopping Center in Costa Mesa.

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4. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to applicants that they have evidence of insurance on file with the Commission and that the CHP has approved the use of applicants' vehicles for service.

This order is effective today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners