

Decision 84 04 072

APR 18 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GERARD B. O'CONNELL & PAUL)
O'CONNELL dba PACIFIC COAST)
SIGHTSEEING TOURS for a Class)
B charter bus certificate from)
home terminal in Anaheim, Ca.)

Application 83-11-56
(Filed November 28, 1983;
amended January 25, 1984)

O P I N I O N

Gerard B. O'Connell,^{1/} doing business as Pacific Coast Sightseeing Tours, seeks a Class B certificate of public convenience and necessity to operate as a charter-party carrier of passengers from a service area with a 40-mile radius from his home terminal at 2500 East Terrace, #H, Anaheim.

Notice of the filing of this application appeared in the Daily Transportation Calendar on December 1, 1983. The amendment appeared in the Daily Transportation Calendar on January 31, 1984. There were no protests.

On November 8, 1983 applicant's assets of \$39,000 consisted of \$9,000 in cash and \$30,000 in motor vehicle equipment. His liability of \$19,000 was the balance due on motor vehicle equipment. Applicant's estimate of operations contained in the application were the revenues and expenses of his sightseeing-tour operations, which are not under Commission jurisdiction. In Exhibit 1 applicant estimates incremental revenues from his proposed charter operations

^{1/} By letter received February 14 (Exhibit 1), applicant states that Paul O'Connell is not an applicant as indicated in the title box.

of \$64,500; additional insurance expense of \$3,500; and additional payroll expense of \$7,500. In addition, he estimates payments on his bus of \$4,300. This incremental estimate does not include any additional allowance for fuel expenses or additional maintenance and tire expenses. However, if applicant's estimates of charter revenues are reasonable, there is an ample margin to cover such additional expenses. Furthermore, his estimated pretax earnings from tour operations are \$48,800.

The application states applicant is currently operating a sightseeing-tour business with a 1965 39-passenger bus; he has insurance coverage in excess of Commission requirements. In the amendment applicant states he purchased a 1983 15-passenger wagon and a 1981 20-passenger bus for use in his proposed operations. Applicant states the City of Anaheim, located in central Orange County, is the hub of recreational activities in southern California; residents of Orange County and people attracted to Anaheim by Disneyland seek charter buses to Los Angeles, San Diego, and beach communities between Los Angeles and San Diego; there is a demand for such charter service far in excess of the existing supply; and public convenience and necessity require another charter bus service to maintain quality service at fair and equitable rates. Applicant also proposes to provide charter services for specific events.

Findings of Fact

1. Applicant has the fitness, equipment, and financial resources to perform the proposed service.
2. A public hearing is not necessary.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 2500 East Terrace, #H, Anaheim.
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 require that the requested authority be issued.
2. The following order should be effective today because there is a public need for the proposed service.

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 Gerard B. O'Connell authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 2500 East Terrace, #H, Anaheim.
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.

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. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

This order is effective today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

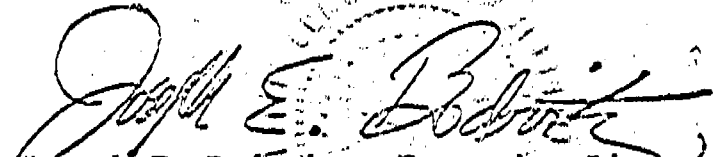
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodoyitz, Executive Director