

L/WHK/km

Decision 84 07 094

JUL 5 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of VISTA CALIFORNIA TOURS, INC.)	
for authority to operate as a)	Application 83-08-35
passenger stage corporation to)	(Filed August 12, 1983;
provide home to work service)	amended October 17, 1983)
between Pacifica/San Bruno and)	
San Francisco/San Mateo County.)	

ORDER RESCINDING DECISION (D.) 84-05-092,
GIVING NOTICE OF PROPOSAL TO MODIFY D. 84-04-039 AND
DENYING REHEARING

An application for rehearing of D.84-05-092 has been filed by City and County of San Francisco (City). We have carefully considered each and every allegation of error in that application and are of the opinion that good cause for granting rehearing has not been shown. However, D.84-05-092 should be rescinded because we failed to provide notice and opportunity to be heard before acting to amend D.84-04-039. Although it is clear that the authority granted Vista California Tours, Inc. Vista) in that earlier decision was inconsistent with our stated intentions, our findings of fact and our conclusions of law to the effect that such authority should conform to the services proposed in Vista's Late Filed Exhibit 1, a correction of that defect did involve a significant change in the rights actually granted Vista by D.84-04-039 and the City had expressed its opposition to Late Filed Exhibit 1.

However, rescinding D.84-05-092 does not resolve the issue of correcting a decision in which the authority granted was contrary to our stated intentions as well as our findings of fact and conclusions of law; that we propose to do and, by copy

of this order, we provide notice and opportunity to be heard. As part of that proposal we shall provide a new period of time within which Vista may accept the operating authority so specified. Therefore, good cause appearing,

IT IS ORDERED that:

1. D.84-05-092 is rescinded.
2. By copy of this order mailed to all parties, notice is given that it is proposed to amend D.84-04-039 as set forth in Appendix A attached hereto.
3. Comments or requests for a hearing on this proposal shall be filed with the Commission's Docket Office and copies served on all other parties no later than 20 days from the date this decision is issued.
4. Rehearing of D.84-05-092 is denied.

This order is effective today.

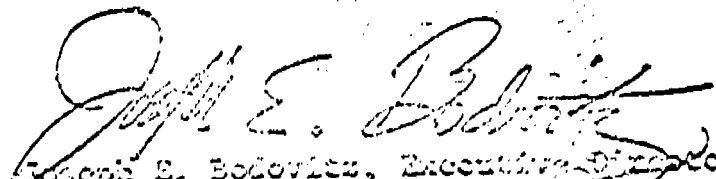
Dated JUL 5 1984 at San Francisco, California.

I will file a written concurrence.

WILLIAM T. BAGLEY
Commissioner

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. Bodovick, Executive Director

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of VISTA CALIFORNIA TOURS, INC.)
for authority to operate as a)
passenger stage corporation to)
provide home to work service)
between Pacifica/San Bruno and)
San Francisco/San Mateo County.)

Application 83-08-35
(Filed August 12, 1983;
Amended October 17, 1983)

ORDER MODIFYING DECISION (D.) 84-04-039

By D.84-04-039 issued April 4, 1984 we granted Vista California Tours, Inc. (Vista) authority to operate as a passenger stage corporation for the transportation of home-to-work passengers between San Bruno and Pacifica on the one hand, and San Francisco, on the other hand.

The stated intent of the decision was to authorize Vista to serve stops shown in Late Filed Exhibit 1; however, Appendix PSC-1314 attached to the decision inadvertently omitted certain points in San Francisco as authorized pickup or delivery points. For example, points along 19th Avenue and Sunset Boulevard were shown in Late-Filed Exhibit 1 as authorized pickup points on inbound schedules, and delivery points on outbound schedules, but were not correctly shown as such in Appendix PSC-1314. The revised Appendix Pages attached to this decision will give the proper effect to the findings of fact and conclusion of law contained in D.84-04-039. Therefore, good cause appearing,

IT IS ORDERED that:

1. D.84-04-039 is modified by substituting the attached First Revised Pages 1, 3, 4, 7, and 8 for Original Pages 1, 3, 4, 7, and 8.

2. The authority granted by D.84-04-039 will expire one year from today unless modified or extended by further order of the Commission.

3. The time periods provided in Ordering Paragraphs 2(a), 2(b) and 2(c) of D.84-04-039 shall begin today.

4. In all other respects, the terms and conditions of D.84-04-039 shall remain in full force and effect.

This order is effective today.

Dated _____, at San Francisco,
California.

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

Vista California Tours, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport home-to-work passengers between San Bruno and Pacifica, on the one hand, and San Francisco, on the other hand, subject, however, to the authority to change or modify this authority at any time and subject to the following provisions:

- a. All transportation of passengers shall originate over & along the routes specified in Section 2.
- b. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- c. Vehicles northbound to San Francisco shall not drop off passengers anywhere except at the point(s) footnoted with D in the northbound routes of Section 2 of this appendix.
- d. Vehicles northbound to San Francisco shall not pick up passengers in San Francisco except at the service point(s) footnoted with P in the northbound routes of Section 2 of this appendix.
- e. Vehicles southbound from San Francisco shall not pick up passengers anywhere except at the service point(s) footnoted with P in the southbound routes of Section 2 of this appendix.
- f. Vehicles southbound from San Francisco shall not drop off passengers in San Francisco except at the service point(s) footnoted with D in the southbound routes of Section 2 of this appendix.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route A (Continued)

Then via the most appropriate streets & highways to service points at the following San Francisco locations:

19th Avenue & Winston Drive (D) (P)
19th Avenue & Sloat Boulevard (P)
19th Avenue & Taraval Street (P)
19th Avenue & Rivera Street (P)
19th Avenue & Noriega Street (P)
19th Avenue & Lawton Street (P)
513 Parnassus Avenue (vic Med Center) (D)
Hayes & Stanyan Streets (D)
Parker & Golden Gate Avenues (D)
Geary Expressway & Spruce Street (D)
Geary Boulevard & St. Josephs Avenue (D)
California Street & Commonwealth Avenue (D)
California Street & Presidio Avenue (D)
Sutter & Baker Streets (D)
Sutter & Divisadero Streets (D)
Sacramento & Buchanan Streets (D)
Bush & Hyde Streets (D)

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route A: San Francisco - San Bruno (southbound)

Commencing with service points at the following
San Francisco locations:

- Pine & Hyde Streets (P)
- Sacramento & Buchanan Streets (P)
- Divisadero & Sutter Streets (P)
- Geary Expressway & Baker Streets (P)
- California Street & Presidio Avenue (P)
- California & Maple Streets (P)
- Parker & Golden Gate Avenues (P)
- Shrader Avenue & Hayes Street (P)
- 510 Parnassus (UC Med Center) (P)
- 19th Avenue & Lawton Street (D)
- 19th Avenue & Noriega Street (D)
- 19th Avenue & Pacheco Street (D)
- 19th Avenue & Rivera Street (D)
- 19th Avenue & Taraval Street (D)
- 19th Avenue & Vicente Street (D)
- 19th Avenue & Sloat Boulevard (D)
- 19th Avenue & Winston Drive (P) (D)

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route B: Northbound O (Continued)

Then via the most appropriate streets and highways to service points at the following San Francisco locations:

Sunset Boulevard & Ocean Avenue (P)
Sunset Boulevard & Yorba Street (P)
Sunset Boulevard & Vicente Street (P)
Sunset Boulevard & Taraval Street (P)
Sunset Boulevard & Rivera Street (P)
Sunset Boulevard & Pacheco Street (P)
Sunset Boulevard & Moraga Street (P)
Sunset Boulevard & Kirkham Street (P)
513 Parnassus Avenue (UC Med Center) (D)
Hayes & Stanyan Streets (D)
Parker & Golden Gate Avenues (D)
Geary Boulevard & Spruce Street (D)
Geary Expressway & St. Joseph Avenue (D)
California Street & Commonwealth Avenue (D)
California Street & Presidio Avenue (D)
Sutter & Baker Streets (D)
Sutter & Divisadero Streets (D)
Sacramento & Buchanan Streets (D)
Bush & Hyde Streets (D)

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route B: San Francisco - Pacific (southbound)

Commencing with service points at the following
San Francisco locations:

Pine & Hyde Streets (P)
Sacramento & Buchanan Streets (P)
Divisadero & Sutter Streets (P)
Geary Expressway & Baker Street (P)
California Street & Presidio Avenue (P)
California & Maple Streets (P)
Parker & Golden Gate Avenues (P)
Shrader Avenue & Hayes Street (P)
520 Parnassus (UC Med Center) (P)
Sunset Boulevard & Kirkham Street (D)
Sunset Boulevard & Moraga Street (D)
Sunset Boulevard & Pacheco Street (D)
Sunset Boulevard & Rivera Street (D)
Sunset Boulevard & Ulloa Street (D)
Sunset Boulevard & Wawona Street (D)
Sunset Boulevard & Ocean Street (D)

A.83-08-35
D.84-07-094

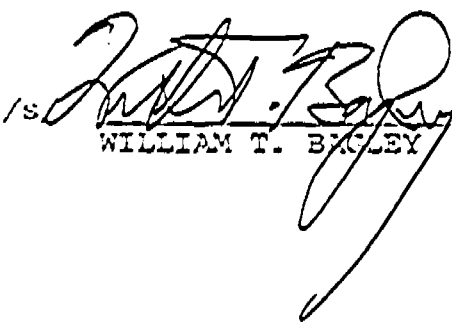
EX-1
7/5/84

WILLIAM T. BAGLEY, Commissioner, concurring:

I concur with the above order which expresses our obvious intended result but wish to comment as follows.

Apparently the San Francisco City Attorney's staff is either suffering from a lack of assigned work or is suffering from that non-terminal legal disease called "I gotcha". Neither is desirable.

The City complained, via an application for rehearing, that our first modification was not simply clerical and thus required notice and an opportunity to be heard. As can readily be determined from the above, that modification simply restated our expressed intent. Points of pick up and delivery had been inadvertently omitted from the appendix. To pursue the rehearing process, in this context, and for no real purpose, was and is a waste of time on the City's part and, in turn, caused an unnecessary usage of our limited staff resources. This Commissioner is totally unsympathetic to the conduct of the Public's business in that fashion.



WILLIAM T. BAGLEY Commissioner

July 5, 1984
San Francisco, California