

ALJ/md

Decision 84 G7 142

JUL 18 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Henry J. Prager and Karin E. Prager,
dba Connoisseur Tours of the Golden
West; for a Class B charter bus certi-
ficate from home terminal in San Jose,
California.

Application 84-05-060
(Filed May 16, 1984)

O P I N I O N

Henry J. Prager and Karin E. Prager, a partnership, have applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers (Public Utilities (PU) Code §§ 5371 to 5375).

No other Commission operating authority has been held by applicant.

Henry J. Prager states that he has had experience in the operation of bus services as an interstate operator (ICC MC-171173) and as a military bus and tour operator in Germany.

Applicants state that they intend to perform a bilingual tour service. Applicants allege that the proposed operations are required by the many diverse ethnic groups and clubs in their area of California.

Applicants' total assets are \$89,500; \$48,000 of this is attributed to applicants' motor vehicles. It is projected that the typical year's revenue mileage will be 12,000 miles producing a revenue of \$12,000.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of May 23, 1984. 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. Applicants should be authorized to pick up passengers within a radius of 40 air miles from their home terminal at 950 Nevada Avenue, San Jose.

4. No protest has been received and a public hearing is not necessary.

5. 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.

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 Henry J. Prager and Karin E. Prager authorizing them to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicants' home terminal at 950 Nevada Ave., San Jose.

2. Applicants 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 vehicle(s) used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.
- d. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

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, applicants shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. Prior to initiating service to any airport, applicants shall notify the airport authority involved. 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 applicants to offer charter service to a sightseeing-tour operator.

7. The application is granted as set forth above.

This order is effective today.

Dated JUL 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

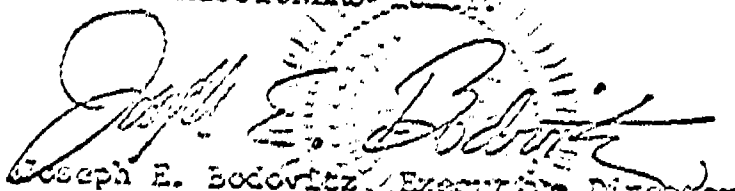
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director