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Decision 84 11 058 NOV 7 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EXPRESS TOURS UNLIMITED, a California corporation, for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, authorizing the transportation of passengers in sightseeing service between specified points in Alameda and San Mateo Counties on the one hand, and Yosemite National Park, pursuant to the provisions of section 1031, et seq. of the Public Utilities Code.

Application 59689
(Filed May 23, 1980)

And Related Matters.

Application 59974
Application 82-06-51

ORDER REVOKING CERTIFICATES
AUTHORIZING ROUND-TRIP SIGHTSEEING-TOUR SERVICE

In Application (A.) 59689 and subsequent applications passenger stage corporation certificates were granted to Express Tours Unlimited authorizing round-trip sightseeing-tour services, and transportation of express shipments of less than 100 pounds incidental to the transportation of round-trip sightseeing-tour services between various points in California.

In Decision (D.) 82-09-087 dated September 22, 1982 in A.59818 (Western Travel Plaza, Inc.) and A.60174 (Kintetsu International Express (USA), Inc.), we concluded that round-trip sightseeing-tour service is not passenger stage corporation service and that round-trip sightseeing-tour service is not subject to regulation by this Commission. The California

Supreme Court, on February 10, 1983, denied a petition for writ of review of D.82-09-087 in SF 24484, Orange Coast Sightseeing Company v. PUC.

Inasmuch as the Commission no longer exercises regulatory jurisdiction over round-trip sightseeing-tour services, passenger stage corporation certificates authorizing such services should be revoked.

In this case, concurrent with the revocation, the transportation of packages of less than 100 pounds will no longer be express, i.e., transported on the line of a common carrier or stage or auto stage line (Public Utilities Code Section 219). However, such remains under the jurisdiction of this Commission as for-hire transportation of property. Express Tours Unlimited is placed on notice that it must apply for, and be granted, appropriate operating authority either as a highway common carrier or as a highway contract carrier if it wishes to continue that type of service.

IT IS ORDERED that:

1. The round-trip sightseeing-tour authorities granted to Express Tours Unlimited in the decisions listed below are revoked and their related tariffs and timetables cancelled on the effective date of this order:

Application 59689, Decision 93173

Application 59974, Decision 93173

Application 82-06-51, Decision 83-01-020

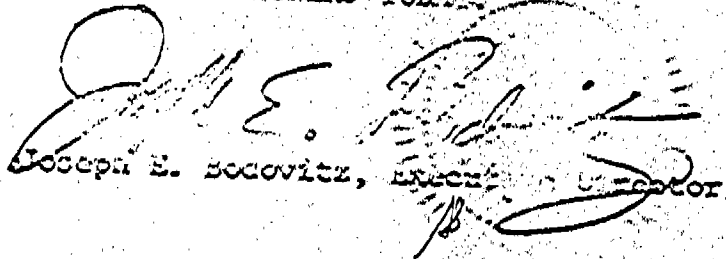
A.59689 T/ri

This order is effective today.

Dated NOV 7 1984, at San Francisco, California.

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. Socovitz, Executive Director