

ALJ/EGF/btr

Decision 89 09 016 SEP 7 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Lounge Car Tours Charter Company, )  
Inc., to transfer certain assets and )  
a certificate of public convenience )  
and necessity, and Airport Cruiser, )  
Inc. to acquire, pursuant to )  
Section 851, et seq., of the )  
California Public Utilities Code. )

Application 89-04-038  
(Filed April 17, 1989)

OPINION

Lounge Car Tours Charter Company, Inc. (transferor) and Airport Cruiser, Inc. (transferee) seek authority under Public Utilities Code (PU) § 851 to transfer a certificate of public convenience and necessity (PSC-1464) issued under authority of Decision 88-07-003, together with certain other assets including vehicles and office furniture.

The certificate to be transferred authorizes the transportation of passengers and their baggage as a passenger stage corporation, between certain points in Orange County and the Los Angeles International Airport. All passengers transported must originate at, or be destined to the Los Angeles International Airport.

The owners of transferor are also owners of an entity entitled "Lounge Car Tours, Inc.," which is being sold and transferred to Wonderbus, Inc., along with its passenger stage certificate, vehicles, and office furniture.

In order to preclude the public confusion which would inevitably arise because of the similarity between the names "Lounge Car Tours, Inc.," and "Lounge Car Tours Charter Company, Inc.," the owners of transferor formed Airport Cruiser, Inc., the transferee herein. All of the assets of the transferor along with its certificate (PSC-1464) will be transferred to the transferee,

whereupon the latter's operation will continue in the same manner as the former's. Because it is a transfer of a passenger stage certificate and assets between two corporations owned by the same entity, there will be no consideration paid and no written agreements executed. The ownership of the transferee will continue to be identical to that of transferor. The public will not be inconvenienced or affected in any way by this transfer.

The filing of the application was noted in the Commission's Daily Calendar on April 24, 1989, and there have been no protests or requests for hearing.

Findings of Fact

1. Transferor and transferee are both owned by the same entity.
2. Transferor's certificate and assets were transferred to transferee, a new corporation, to avoid confusing the public.
3. A copy of transferee's articles of incorporation is attached to the application.
4. There will be no changes in operation or scheduling under the new owner.
5. Transferor has operated profitably and it is evident that transferee will continue to do so.
6. This order is noncontroversial and should become effective on the date it is signed.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. A public hearing is not necessary.

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.

ORDER

IT IS ORDERED that:

1. By February 1, 1990, Lounge Car Tours Charter Company, Inc. (transferor) may sell and transfer the operative rights (and property) specified in the application to Airport Cruiser, Inc. (transferee).

2. Transferee shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
- c. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Airport Cruiser, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in Appendix PSC-5877, to transport persons and their baggage.

This order is effective today.

Dated SEP 7 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANAN  
PATRICIA M. ECKERT  
Commissioners

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

AB

Appendix PSC-5877      Airport Cruiser, Inc.      Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-5877

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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 89 09 016,  
dated SEP 7 1989, of the Public Utilities Commission of  
the State of California in Application 89-04-038.

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Decision 89 09 016, Application 89-04-038.

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

Airport Cruiser Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on a scheduled basis, between certain points in Orange County and Los Angeles International Airport (LAX), over and along the route described, subject, however, to the authority of this Commission to change or modify the route at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. The tariffs and timetables shall show the conditions under which the authorized scheduled service will be provided, and shall specify the exact locations of the scheduled stops.
- c. No passengers shall be transported except those having a point of origin or destination at LAX.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

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SECTION II. ROUTE DESCRIPTION.

Commencing at Los Angeles International Airport, then via the most convenient streets and highways to scheduled stops in the Cities of Anaheim and Buena Park.

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