

Decision S2 01 48

JAN 5 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

J. Mark Lavelle (Dolphin Tours),
 Complainant,
 vs.
 Pacifico Creative Service (Hawaii),
 Inc., and Pacifico Creative Service
 (California) Inc.,
 Defendants.

Case 10935
(Filed December 24, 1980)

ORDER GRANTING INTERVENTION

In this complaint, J. Mark Lavelle, dba Dolphin Tours, seeks a cease and desist order against certain transportation furnished by Pacifico Creative Service, Inc. (Pacifico) for its Japanese sightseeing customers. In Lavelle v Japan Air Lines et al. Case 10732, Decision (D.) 92455 dated December 2, 1980) we disposed of issues concerning Pacifico's "optional" transportation: this complaint concerns the bus service furnished as part of the package tours and paid for in Japan.

The administrative law judge has ruled that any consideration over round-trip sightseeing service should be deferred until any and all challenges to our decision in Western Travel Plaza, Inc. et al. (Application 59818 et al., D.93726 dated November 13, 1981) are exhausted. However, there are one-way routes Pacifico operates between San Francisco International Airport and San Francisco proper, the inbound route including a "city tour." Consideration of the status of these routes should be determined without delay.

Lavelle and Pacifico have agreed to rely on the record in Lavelle v Japan Air Lines, supra, concerning a motion to dismiss filed by Pacifico on jurisdictional grounds: therefore, no hearing

is necessary on the motion. Several other sightseeing carriers operating routes in San Francisco (as named in the order) have petitioned for intervention because of the importance of the issues. Neither Pacifico nor Lavelle has expressed any opposition to the petitions.

We find that the jurisdictional issues are of public importance and conclude that intervention should be granted, and that this order should be effective immediately in order to consider the motion to dismiss expeditiously. Opening briefs on the motion are due January 22, 1982.

IT IS ORDERED that the petitions for leave to intervene on behalf of Franciscan Lines, Inc.; Sequoia Stages, dba Eastshore Lines; Falcon Charter Service; American Pacific Stage Lines; Scenic Hyway Tours; Trans-Cal Tours; Gray Line Tours Co.; and O'Connor Limousine Service, Inc., dba O'Connor Tours Service, are granted.

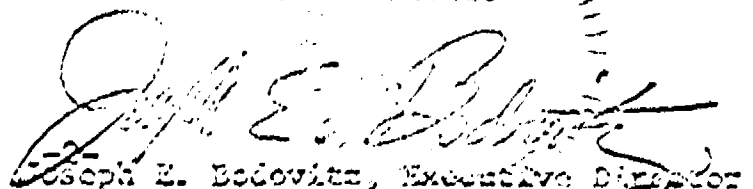
This order is effective today.

Dated January 5, 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

Commissioner Leonard W. Grimes, Jr.,
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS MADE BY THE COMMISSIONERS
OF THE PUBLIC UTILITIES COMMISSION.


Joseph E. Bodovitz, Executive Director