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Decision 82 02 120 FEB 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of HOLIDAY TOURS, INC., a
California corporation, for
certificate of public convenience
and necessity to operate as
passenger stage corporation
sightseeing tours in the San
Francisco and Marin County Areas
of Northern California.

Application 61098
(Filed December 2, 1981)

INTERIM OPINION

Holiday Tours, Inc. (Holiday) requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations. Holiday proposes to operate the following service:

Guided sightseeing-tours of the City of San Francisco, Treasure Island, and Marin County areas from the San Francisco major hotels and motels, on a per capita basis.

A protest alleging that the proposed tours duplicate its certificated service was filed by The Gray Line, Inc. on December 14, 1981, and a protest alleging that the proposed tours are in direct conflict with the authority of O'Connor Limousine Service, Inc. was filed on December 21, 1981.

In Decision (D.) 93726 in Applications 59818 et al., issued November 13, 1981, we found that sightseeing-tour service over a loop is not that of a passenger stage corporation. However, the portion of that decision completely eliminating our regulation over sightseeing-tour carriers will not become effective until after

judicial review. We announced in D.93726 that during this transitional period we would grant pending applications ex parte with temporary operating authority upon a showing that applicant has adequate public liability insurance. Accordingly, we will grant this application. Holiday must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. The proposed operations are sightseeing-tour service over a loop.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Temporary operating authority should be granted; since there is an alleged need for the proposed service and liability insurance set by General Order 101 will be required before operations begin, the following order should be effective today.

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.

INTERIM ORDER

IT IS ORDERED that:

1. Holiday Tours, Inc. is granted a temporary certificate of public convenience and necessity to operate over the routes proposed in the application until further order of the Commission and is assigned Passenger Stage Corporation No. 1197. A permanent certificate prepared by this Commission may be issued by a final order.
2. Applicant shall:
 - a. File a written acceptance of this authority within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.

- c. State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

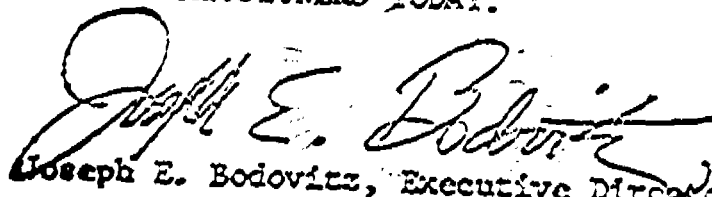
Dated FEB 17 1982, at San Francisco, California.

RICHARD D. GRAVELLE
LEONARD M. CREMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

JOHN E. BRYSON
Commissioner

Present but not participating.

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


Joseph E. Bodovitz, Executive Director