

ORIGINAL

APR 2 1 1982

Decision S2 04 102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of GILBERT VAUGHN and CHACHAWAN )  
CHOOMUANG doing business as L-LE )  
GANT TOURS to transfer a Class )  
"B" charter-party carrier of )  
passengers certificate to JOY- )  
TAK, INCORPORATED, Los Angeles. )

Application 82-01-10  
(Filed January 6, 1982)

O P I N I O N

By this application, authority is sought to transfer a certificate as a Class B charter-party carrier of passengers from Gilbert Vaughn and Chachawan Choomuang (transferors), doing business as L-Le Gant Tours, to Joy-Tak, Inc. (transferee). The certificate (TCP-86-B), issued December 16, 1980 by Decision (D.) 92531 in Application (A.) 59881, authorizes restricted charter-party service from a service area encompassing a radius of 40 air miles from transferors' home terminal in the City of Los Angeles. The restrictions limit the bus fleet to no more than four and the passenger carrying capacity of each bus to 25.

For about six years transferee has been operating under a Public Utilities (PU) Code Section 5384(b) charter-party permit (TCP 551-P) which allows statewide operation of 15-passenger seating capacity vehicles under 7,000 pounds gross weight. As set forth in D.92681 dated February 4, 1981 in A.59096 and D.92680 dated February 4, 1981 in Case (C.) 10767, transferee's operations at times exceeded its PU Code Section 5384(b) authority

and orders were entered against transferee "requiring it to cease using oversize vehicles, to cease from untruthfully representing in its publicity that its drivers are 'screened' by the Commission, and to revise its fare schedules to clarify that it does not offer fixed-route transportation."

On January 19, 1982 transferee mailed letters to J. Mark Lavelle, dba Dolphin Tours, and O'Connor Limousine Service notifying them of the filing of this application. Dolphin Tours and O'Connor Limousine were protestants in the A.59096 proceeding and Dolphin Tours was the complainant in C.10767. Los Angeles Sightseeing Tours, Inc. was also notified of the filing of this application. No protests have been received and our staff informs us that no violations of transferee's permit authority or any improper practices on transferee's part have been reported since the issuance of D.92680 and D.92681, supra.

According to the application, as of December 31, 1980 transferee's total assets were \$216,407 and its total liabilities were \$111,958. The transaction between the transferee and the transferors is not covered by a written sales or other type of agreement. The sale price is \$3,000. Both transferors and transferee have specialized in providing their respective charter-party services to Japanese and other tourists from the Far East.

Findings of Fact

1. Transferee has the ability, experience, equipment, and financial resources to perform the service involved.
2. The proposed transfer would not be adverse to the public interest. A public hearing is not necessary.
3. This authorization is not a finding of the value of the rights and property transferred.

4. 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

The application should be granted.

O R D E R

IT IS ORDERED that:

1. On or before September 30, 1982 Gilbert Vaughn and Chachawan Choomuang (transferors), a partnership, may transfer to Joy-Tak, Inc. the operating authority granted by Decision 92531 in Application 59881.

2. The Passenger Operations Branch will transfer from transferors to Joy-Tak, Inc. the annual renewable certificate on Form PE-695, as authorized by Resolution PE-303, when it receives California Highway Patrol clearances and evidence of liability protection in compliance with General Order Series 115.

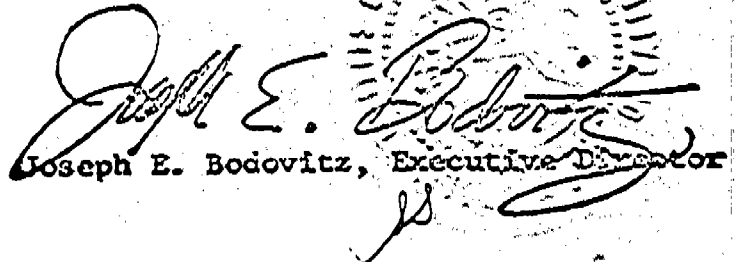
3. In providing service under the transferred certificate, Joy-Tak, Inc. shall comply with General Orders Series 98 and 115 and the California Highway Patrol safety rules.

This order becomes effective 30 days from today.

Dated APR 21 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director