

Decision 82 06 C31 JUN 2 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
for authority to operate as a
multilingual tour service
between points in Los Angeles,
Orange, and Ventura Counties.

Application 82-03-40
(Filed March 9, 1982)

INTERIM OPINION

Kim Moussette, Newton Duarte, and J. C. Borghetti (applicants), a partnership doing business as Tour Shuttle Columbia Company, request a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations. Applicants propose to operate in Los Angeles, Orange, and Ventura Counties.

Protests were filed by The Gray Line Tours Company, Trans Travel Associates, Orange Coast Sightseeing Company, and Starline Sightseeing Tours, Inc. The latter two protestants have asked:

"the Commission to review its policy set forth in Decision 93726^[1] granting all sightseeing applications on an ex parte basis by issuing temporary certificates pending the outcome of the petition for rehearing on said decision. If it is the Commission's position to maintain the status quo of sightseeing until such time as Decision 93726 becomes final, then it is respectfully submitted that the Commission should deny all applications for new authority from any sightseeing company. Since the Commission's position has become known, there has been a flood

1/ In A.59818, Western Travel Plaza, Inc. et al.

of new applications for sightseeing authority. The granting of these applications, even on a temporary basis, is highly prejudicial to the existing certificated passenger stage operators. Newcomers are entering the field and whittling away at the authority of the existing operators. The existing operators have secured their authority from the Commission after much time and expense and have further invested considerable sums of money purchasing equipment, advertising, developing their routes, and abiding by the rules and regulations of the Public Utilities Commission. To permit free entry into the field during the pendency of the final determination of Decision 93726 is eroding the authority granted by this Commission, to the detriment of the certificated carriers and the public. At the same time, the Commission is encouraging these new applicants to invest their time and money in advertising, planning, purchasing of new equipment and hiring of employees, all at a time when the status of the existing carriers and the Commission's obligation to regulate them remains undecided. This is not fair to the existing carriers, nor is it fair to the carriers coming into the field."

In Decision (D.) 93726 in Application 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 had adequate public liability insurance. Accordingly, we will grant this application. Applicants must file evidence of the required minimum insurance coverage set by General Order Series 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 Series 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. Kim Moussette, Newton Duarte, and J. C. Borghetti, a partnership doing business as Tour Shuttle Columbia, are 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 are assigned Passenger Stage Corporation PSC-1222. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicants 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 their 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.

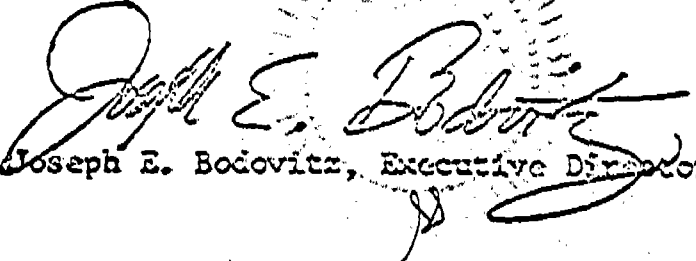
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated JUN 2 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director