

T/ctb

Decision 82 06 034 JUN 2 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: THERESA C. RIVIERA, GLORIA M. MIRANDA for a Certificate of Public Convenience and Necessity authorizing the Applicants to operate a Passenger Stage Service, with sightseeing tours available to the public on a per capita basis between points in Fresno, Los Angeles, Monterey, Orange, Sacramento, San Francisco, San Joaquin, Santa Clara, and Santa Cruz Counties, pursuant to the provisions of Section 1031, et seq. of the Public Utilities Code of the State of California.

Application 82-02-11
(Filed February 4, 1982)

INTERIM OPINION

Theresa C. Riviera and Gloria M. Miranda (applicants), doing business as Vine Line Charters and Tours, request a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct guided sightseeing-tour operations.

Applicants propose to offer guided sightseeing bus tours between the City of Fresno and various points of interest in Los Angeles, Monterey, Orange, Sacramento, San Francisco, San Joaquin, Santa Clara, and Santa Cruz Counties and intermediate points.

This application was protested by World Wide Joye Tours, Inc., dba Joye Tours and Charters and dba Gray Line Inc. of Fresno, and Sierra Highlands Bus Co., Inc. on March 19, 1982.

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 has adequate public liability insurance. Accordingly, we will grant this application. Vine Line Charter and Tours 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. Theresa C. Riviera and Gloria M. Miranda 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) No. 1219. 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.

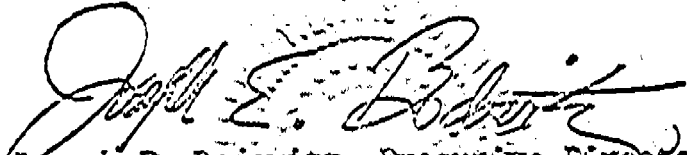
e. Maintain accounting records in conformity
with the Uniform System of Accounts.

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. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director