

ORIGINAL

Decision S2 06 030 JUN 2 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GEM TOURS, INC., for a certifi-)
cate to operate as a Class "B")
charter-party carrier of passengers)
in Santa Barbara.)
_____)

Application 82-02-59
(Filed February 23, 1982)

O P I N I O N

Applicant Gem Tours, Inc., a California corporation, requests authority to operate as a Class B charter-party carrier of passengers from a service area within a radius of 40 air miles from its home terminal at 4129 State Street, Santa Barbara, California 93110.

Greyhound Lines, Inc. (Greyhound) filed a protest and request for hearing of this application in conformity with Article 2.5 of our Rules of Practice and Procedure (Title 20, California Administrative Code). In response to this protest applicant, by letter dated March 26, 1982 to the Commission, requested that its application be amended to include the following restriction on the authority sought:

"Restrict the number and seating capacity of buses to be used in the operation of this Class 'B' authority to two (2) buses only with a seating capacity of no more than twenty-four (24) paying passengers, plus driver."

The amendment sought by applicant satisfies Greyhound's interest in this matter. By letter dated March 31, 1982 to the Commission, Greyhound withdrew its protest to Application 82-02-59. If applicant ever wishes to operate either more or larger buses, it may file an application to modify this decision.

Applicant presently has authority to operate as a charter-party carrier of passengers, using only vehicles under 15-passenger seating capacity (TCP-1637-P), as defined in Public Utilities (PU) Code Section 5384(b). Applicant now proposes to operate one 1981 Dodge 11-passenger van and one 1982 Ford 24-passenger minibus. As of December 31, 1981 applicant's total assets were \$46,200 and its total liabilities were \$27,113.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the service to be authorized in the order which follows.
2. Public convenience and necessity require that service.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. The application appeared on the Commission's Daily Calendar; one protest was received and it was withdrawn.

Conclusions of Law

1. Public convenience and necessity have been demonstrated for operation of two small buses, and a certificate for that operation should be granted.
2. Applicant should be authorized to pick up passengers within 40 air miles of its home terminal.
3. A public hearing is not required.
4. Since there is an immediate need for the service, the order should be effective today.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Gem Tours, Inc. authorizing it to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from its home terminal at 4129 State Street, Santa Barbara, California 93110, subject to the following condition: Applicant will not operate more than two buses, each with a seating capacity of no more than 24 passengers excluding driver.

2. The Passenger Operations Branch will issue 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.

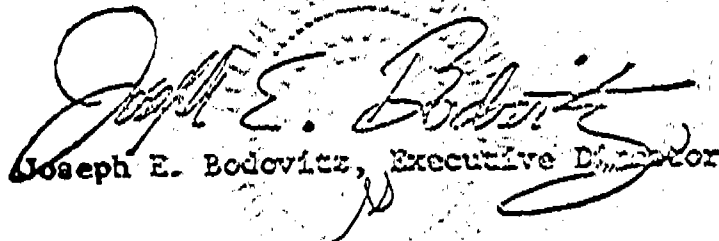
3. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the California Highway Patrol safety rules.

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