

ORIGINAL

Decision 82 06 085 JUN 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DURHAM STAGE LINES, INC., a)
subsidiary of THE DURHAM COMPANIES,)
for authority to operate as a)
passenger stage corporation in a)
sightseeing service between points)
in Los Angeles and Orange Counties)
to Death Valley, California.)

Application 82-03-81
(Filed March 24, 1982)

INTERIM OPINION

Durham Stage Lines, Inc. (Durham), a California corporation, requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations between the Bonaventure or Disneyland Hotels and Furnace Creek Inn or Ranch in Death Valley, California.

The bus will leave the Bonaventure Hotel at 8:30 a.m. and the Disneyland Hotel at 9:45 a.m. and arrive at Death Valley at 6:00 p.m. It will depart from Death Valley at 9:30 a.m. on the third day and arrive at the Disneyland Hotel at 4:00 p.m. and the Bonaventure Hotel at 5:00 p.m. of that day. Day two will consist of an all-day tour of the Death Valley area.

The round-trip sightseeing fares will be \$73 per person and the accommodations will range from \$164 per person for a triple room at the Furnace Creek Ranch to \$280 per person for a single room at the Furnace Creek Inn.

Durham's parent corporation is The Durham Companies. Its sister corporation, Russell Transportation, Inc., is currently providing service under an existing Public Utilities Permit No. TCP-32A and possesses all necessary licenses and facilities to operate the equipment to be used.

Durham proposes to operate service with one 1981 Model MC9 Highway Coach, Fleet No. 9902, and will use one 1981 Model MC9 Highway Coach, Fleet No. 9903, as backup equipment. If and when a certificate is granted, it is felt that the above equipment will be sufficient to perform the proposed service.

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. Durham 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 a 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. Durham Stage Lines, 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 PSC-1226. 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.

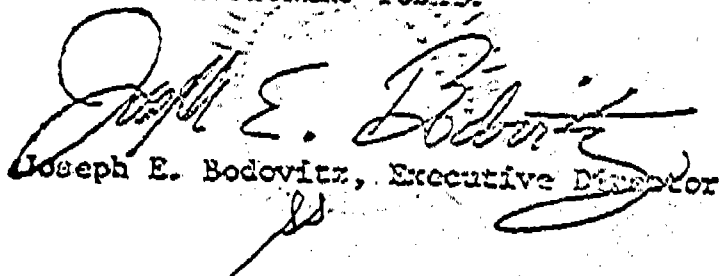
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated JUN 15 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director