

ORIGINAL

Decision 82 07 031 JUL 7 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The application of Albert Bucar, dba Fiesta Tours, for a passenger stage certificate authorizing applicant to offer sightseeing tours to the public on a per capita basis between points of interest in the State of California.

Application 82-02-66
(Filed February 26, 1982)

INTERIM OPINION

Alberto Bucar, dba Fiesta Tours in the title of the application but later changed by letter communication to dba Mr. California, seeks a certificate of public convenience and necessity to offer to the public a passenger stage service. Specifically, Bucar proposes to offer sightseeing tours to points of interest throughout the State of California on a per capita basis, all tours to originate and terminate in San Francisco.

Bucar states that tours will be conducted using a 14-passenger maxivan, a 20-passenger bus or a 45-passenger bus. Bucar owns a 14-passenger maxivan and proposes to lease or purchase larger equipment as needed. Advance reservations will be required with a minimum of six passengers for each tour.

Beginning with the passenger pickup at hotels and motels in San Francisco, Bucar proposes to offer the following sightseeing tours along the most appropriate streets, roads, and highways to points of interest in the State of California:

Half-day tours of San Francisco and half-day tours to Muir Woods via Highway 101 returning via Sausalito and back to San Francisco. The half-day tours will be offered to the public in both the a.m. and the p.m. with an individual fare of \$11.75.

One-day tours to Monterey - Carmel, to the Wine Country, and the Gold Country will be offered with individual fares of \$32.00.

Two-day tours to Lake Tahoe, Yosemite National Park, Hearst-San Simeon State Historical Monument, and Solvang - Santa Barbara will be offered with individual fares of \$59.00.

A three-day tour to Disneyland will be offered with an individual fare of \$99.00 each tour.

A three-day tour to Monterey, Carmel, Solvang, and Santa Barbara will be offered with an individual fare of \$99.00.

A five-day tour to San Diego will be offered with an individual fare of \$149.00.

A one-week tour will be offered which will include San Francisco, Monterey, Carmel, Solvang, Santa Barbara, Yosemite National Park, Lake Tahoe, and the Wine Country with an individual fare of \$280.00.

Bucar's financial data, attached to the application, indicate a net equity in excess of \$1,000,000.

The Transportation Division has reviewed the application and recommends that in the absence of protests the application be granted by ex parte order.

Notice of filing of the application was published in the Commission's Daily Calendar. Copies of the application were served on California Parlor Tours Co., Gray Line, Inc., All-Cal Tours, Express Tours Unlimited, San Francisco Bay Tours, Golden Gate Sightseeing Tours, Inc., and local governments. No protests have been received. A public hearing is not necessary.

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, that portion of the 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 Bucar had adequate public liability insurance. Accordingly, we will grant this application. Bucar must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. Bucar has the necessary equipment, ability, and financial resources to perform the proposed service.
2. There is a public need for this passenger stage service.
3. The proposed fares are justified.
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.
5. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated, and the application should be granted. Since the public will benefit from immediate institution of the proposed service, 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. A temporary certificate of public convenience and necessity is granted to Alberto Bucar authorizing him to operate a sightseeing-tour service as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in the application to transport persons and baggage and is assigned Passenger Stage Corporation PSC 1231. A permanent certificate prepared by the Commission may be issued by a final order.

2. Applicant shall:

- a. File a written acceptance of this certificate 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 his 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.

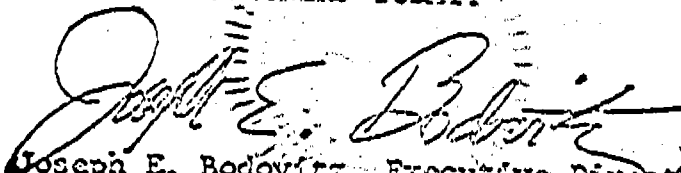
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.

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


Joseph E. Bodovitz, Executive Director