

ORIGINAL

Decision 82 07 036 JUL 7 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GALE ROSENBERG for a certificate of public convenience and necessity authorizing the applicant to operate a passenger stage service, with tours to the public on a per capita basis to points of interest in the Wine Country in Northern California, pursuant to the provisions of Section 1031, et. seq., of the Public Utilities Code of the State of California.

Application 82-03-39
(Filed March 11, 1982)

INTERIM OPINION

Gale Rosenberg, doing business as Gale Warning Tours, requests a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations. Applicant proposes to operate tours from San Francisco to Napa Valley using a leased bus. The leasing company will also provide drivers. The tours will cross Golden Gate Bridge and proceed to Napa via Highways 101, 37, 121, and 12. The tours will visit three wineries located between Napa and Calistoga along Highway 128 from the following list of possibilities:

<u>Winery</u>	<u>Location</u>
Robert Mondavi Winery	Oakville
Beaulieu Vineyards	St. Helena
Christian Brothers Winery	St. Helena
Franciscan Vineyards	St. Helena
Hanns Kornell Champagne Cellars	St. Helena
Round Hill Winery	St. Helena
Inglenook Wineries	Rutherford

The passengers will visit two wineries, will be served lunch at either the St. George in St. Helena or the Mount View Hotel in Calistoga, will visit Lincoln Avenue in Calistoga if time permits, and will then visit a third winery. The per capita fare includes the transportation, winery visits, lunch, entertainment, and an MC/qualified wine educator as guide.

The tour will return via Highway 128 to Napa, then over Interstate 80 to San Francisco. The tour will pick up and drop off passengers at two locations in San Francisco and will begin at 8:30 a.m. and end at 5:15 p.m. the same day.

O'Connor Limousine Service, Inc. filed an untimely protest. It holds authority as a passenger stage and conducts tours to the wine (Napa Valley) country. It claims that certification of this applicant would produce destructive competition.

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. Applicant 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. Gale Rosenberg is granted a temporary certificate of public convenience and necessity to operate a sightseeing-tour service over the routes proposed in the application, until further order of the Commission and is assigned Passenger Stage Corporation PSC 1240. 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 her 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.

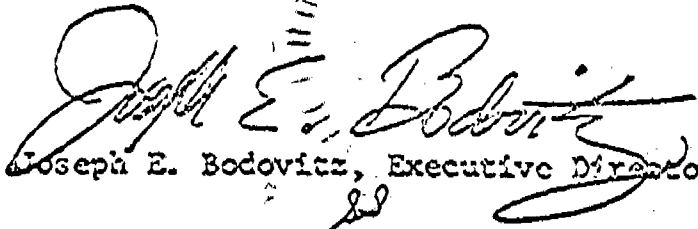
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

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