

Decision 82 07 050 JUL 7 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Kim Pacific Trading Corp.,)
Inc., dba K. P. Travel Service,)
for authority to operate as a)
passenger stage corporation)
between points in the State of)
California.)

Application 60749
(Filed July 1, 1981)

INTERIM OPINION

Kim Pacific Trading Corp., Inc. (applicant), doing business as K. P. Travel Service, requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations. Applicant proposes to operate the following service:

Route 1

From San Leandro via State Highway 17, Interstate 80, and State Highway 12 to the Napa wine country. Return via reverse of above.

Route 2

From San Leandro via Interstate 580, Interstate 80, and U.S. Highway 50 to Lake Tahoe. Return via reverse of above.

Route 3

From San Leandro via Interstate 580, Interstate 5, State Highway 132, State Highway 49, and State Highway 120 to Yosemite National Park. Return via reverse of above.

Route 4

From San Leandro via State Highway 17 to Santa Cruz. Return via reverse of above.

Route 5

From San Leandro via State Highway 17, U.S. Highway 101, and State Highway 156 to Monterey. Return via reverse of above.

A protest alleging that the proposed tours duplicate its certificated service was filed by Express Tours Unlimited on August 19, 1981.

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. Kim Pacific Trading Corp., Inc. 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 No. 1233. 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.

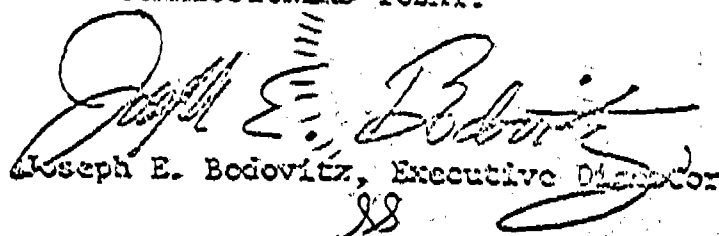
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. GRAVELLE
LEONARD M. CRIMES, 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