

ORIGINAL

Decision 82 07 069 JUL 7 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SCOTT BAUHOFFER and MARI GOOCH-)
BAUHOFFER for a certificate of)
public convenience and necessity)
authorizing the applicants to)
operate a passenger stage service,)
with sightseeing tours available)
on a per capita basis between)
points in Alameda, San Francisco,)
and Sonoma counties.)

Application 82-03-48
(Filed March 12, 1982)

INTERIM OPINION

Scott Bauhofer and Mari Gooch-Bauhofer request a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing tour operations.

Applicants are partners and will operate as Vintage Tours. Applicants will provide one basic tour and a shorter variation as an alternate on Saturdays and Sundays only. The tours will be expanded to the rest of the week as business develops. Applicants' financial statement attached to the application shows a net worth of \$314,000.

The on-call service will require that reservations be made in advance. Passengers will then be picked up at hotels in San Francisco, Oakland, and Berkeley, to be transported on a tour of two wineries and to points of interest in Sonoma. The basic tour will start pickups at 8:45 a.m. and end about 6:00 p.m. The alternate tour will start at 8:45 a.m. and conclude about 3:00 p.m., for those on a tighter schedule. Applicants will inaugurate service with a nine-passenger (including driver) Volkswagen Vanagon L, to be operated under a lease agreement.

Applicants will charge \$40.00 per person for the regular tour and \$36.00 for the shorter variation. The fares are based on a minimum of four passengers per schedule. Introductory fares of \$27.50 and \$25.00 will be charged during the first month that service is provided if tours transport a minimum of six passengers.

It is alleged that applicants' tours will transport eight people to Sonoma for sightseeing and a leisurely lunch. Other operators will transport more people and visit numerous points of interest on each tour. Applicants are experienced in business management and public relations. They have traveled all over the world and have tried tours in many areas. Their experience will benefit the passengers on the Sonoma tours.

Applicants served copies of the applications on five carriers who will be competing with the proposed service, in addition to nine state, county, and municipal agencies. The filing of the application was also published in the Commission's Daily Calendar on March 16, 1982.

The application was protested by O'Connor Limousine Service (O'Connor). O'Connor is a passenger stage corporation operating sightseeing tours out of San Francisco to Carmel, Muir Woods, and the Napa/Sonoma wine country, as well as a San Francisco city tour. It is alleged that applicants' proposed A and B tours will conflict with O'Connor's service to Sonoma and the wine country. It is further alleged that the area is already served by several qualified operators and another passenger carrier is not needed.

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 has adequate public liability insurance. Accordingly, we will grant this application. Scott Bauhofer and Mari Gooch-Bauhofer must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. Applicants have the ability, experience, and financial resources to perform the proposed service.
2. There is a public demand for the proposed service.
3. The proposed operation is sightseeing-tour service over a loop.
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.

Conclusion of Law

Temporary operating authority should be granted. The liability insurance required by General Order 101 must be in effect before operations begin. This order will be effective today since there is need for the proposed service.

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. Scott Bauhofer and Mari Gooch-Bauhofer are 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 are assigned Passenger Stage Corporation PSC 1228. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicants 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 their 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.

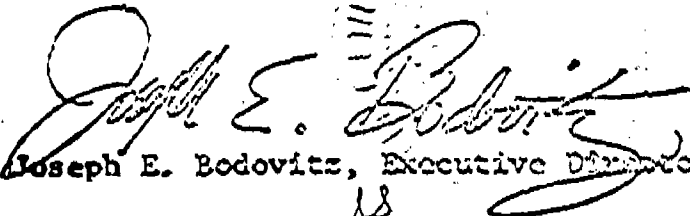
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. CRAVELLE
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

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It is alleged that applicants' tours will transport eight people to Sonoma for sightseeing and a leisurely lunch. Other operators will transport more people and visit numerous points of interest on each tour. Applicants are experienced in business management and public relations. They have traveled all over the world and have tried tours in many areas. Their experience will benefit the passengers on the Sonoma tours.

Applicants served copies of the applications on five carriers who will be competing with the proposed service, in addition to nine state, county, and municipal agencies. The filing of the application was also published in the Commission's Daily Calendar on March 16, 1982.

SS The application was protested by O'Connor Limousine Service (O'Connor). O'Connor is a passenger stage corporation operating sightseeing tours out of San Francisco to Carmel, Muir Woods, and the Napa/Sonoma wine country, as well as a San Francisco city tour. It is alleged that applicants' proposed A and B tours will conflict with O'Connor's service to Sonoma and the wine country. It is further alleged that the area is already served by several qualified operators and another passenger ~~car~~ carrier is not needed.

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1. Applicants have the ability, experience, and financial resources to perform the proposed service.
2. There is a public demand for the proposed service.
3. The proposed operation is sightseeing-tour service over a loop.
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. No protests have been filed.~~

Conclusion of Law

Temporary operating authority should be granted. The liability insurance required by General Order 101 must be in effect before operations begin. This order will be effective today since there is need for the proposed service.

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