

Decision 82 07 070 July 7, 1982**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DAVID McCOY doing business as)
 McCOY'S CHARTER SERVICE, for a)
 certificate of public convenience)
 and necessity authorizing the)
 applicant to operate a passenger)
 stage service, with sightseeing)
 tours available to the public on)
 a per capita basis between points)
 in Fresno and counties in the state)
 of California, pursuant to the)
 provision of section 1031, et sec.)
 of the Public Utilities Code of)
 the State of California.)

Application 82-03-107
 (Filed March 29, 1982)

INTERIM OPINION

David McCoy requests a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sight-seeing tour operations. Applicant proposes to operate the following service. There are no protests to the application. ✓

Seven tours originating in Fresno and proceeding to:

	<u>Fare</u>
1. San Francisco	\$24.50
2. Monterey/Carmel	20.00
3. Los Angeles	30.00
4. San Diego	40.00
5. Solvang	20.00
6. South Lake Tahoe	30.00
7. Yosemite National Park	15.00

Advance reservations will be required and over-night service will be provided on special order. Tours will be provided every day and year round. Tours will leave about 7:00 a.m. and return at 9:00 p.m. or before. Equipment will be leased with 46-passenger buses assigned to most tours.

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 applicant had adequate public liability insurance. Accordingly, we will grant this application. David McCoy 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. David McCoy 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 1232. 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 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.

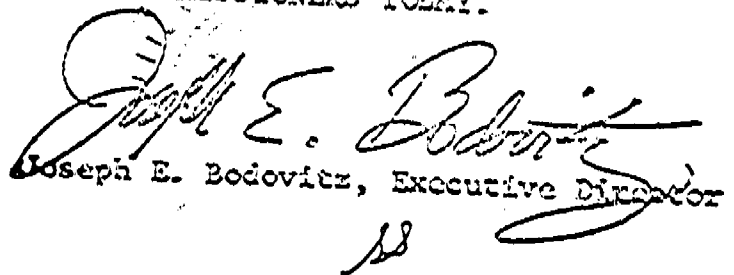
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

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