

ORIGINAL

Decision 82 07 073 JUL 7 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RTR LIMITED for a certificate of)
public convenience and necessity)
authorizing the applicant to operate a)
passenger stage service, with sight-)
seeing tours available to the public on)
a per capita basis between points in)
San Francisco, Napa, and Mariposa)
Counties, pursuant to the provisions)
of Section 1031, et seq. of the Public)
Utilities Code of the State of)
California.)

Application 82-03-93
(Filed March 26, 1982)

INTERIM OPINION

RTR Limited, a California corporation, requests a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations.

Applicant proposes to operate the following service:

Applicant will provide three tours: one to Napa wineries, a second through the Napa Valley, and a third to Yosemite; the last to be operated from April through November, as weather permits. All tours will be operated seven days a week. Adult fares are \$39, \$46, and \$62.50 per individual. Children's fares are \$3 less than the adult fares. Applicant owns two late model 14-passenger Dodge maxi-vans. Applicant will pick up passengers at downtown San Francisco hotels and motels. The first two tours will average 9½ hours in length and the Yosemite tour 12 to 13 hours.

Protests were filed by Express Tours, Unlimited (Express) and O'Connor Limousine Service, Inc. (O'Connor). Protestants are California corporations operating out of San Francisco. Express

alleges that it provides a year-round service between San Francisco and Yosemite and applicant was not aware of its existence since it was not served a copy of the application. It is further alleged that applicant is seeking to provide a partial service which only operates in the summer and fall. It argues that its service is all the public requires between San Francisco and Yosemite. O'Connor provides service between San Francisco and the Napa Valley. It is alleged that this service is provided by several large operators and is highly competitive. Another operator will further divide the available business without benefiting those who take the tours. It is argued that there is no basis for a grant of interim sightseeing authority to applicant.

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. RTR Limited 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. RTR Limited 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 1230. A permanent certificate prepared by this 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 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.

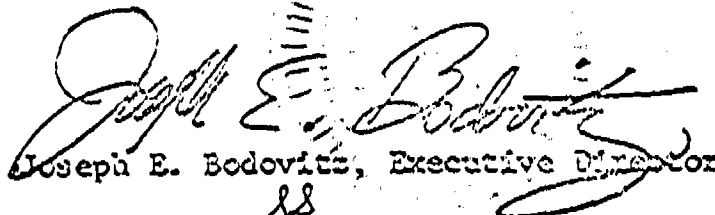
This order is effective today.

Dated JUL 7 1982, at San Francisco, California.

RICHARD D. GRAVELLE
LEONARD M. 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. Bodovits, Executive Director
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INTERIM ORDER

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