

Decision 82 07 111 July 21, 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Norberto Campisi, doing business as)
Trans-Travel, to remove the restric-)
tion of the conducting of tours in)
the Spanish language between cer-)
tain points in Southern California.)

Application 82-04-56
(Filed April 26, 1982)

INTERIM OPINION

In Decision (D.) 92419 issued November 18, 1980, applicant was granted a certificate of public convenience and necessity to establish and operate an on-call service for sightseeing purposes. Restriction (c) of Section I on Original Page 1 of Appendix A states:

"(c) All of the tours shall be conducted in the Spanish language only."

Applicant now requests that this restriction be removed so that applicant may conduct tours in the English language also.

Applicant alleges that the service will not affect the service of any existing common carrier. However, parties who may be affected by the proposed operation have been served a copy of this application.

Applicant requests an ex parte order be granted authorizing the deletion of Restriction (c) of Section I, Original Page 1 of Appendix A.

On May 5, 1982 a protest and request for public hearing was filed by the Gray Line Tours Company. Protestant conducts operations throughout Southern California as a passenger stage corporation providing numerous sightseeing, special event, and racetrack tours under a certificate of public convenience and necessity issued by this Commission.

Discussion

In Western Travel Plaza, Inc. and companion cases (D.93726 in Application (A.) 59818, A.60174, A.60181, A.60221, and A.60286, entered on November 13, 1981), the Commission concluded that:

"II. Sightseeing-tour service, originating and terminating at the same point, is not public utility or passenger stage corporation service.

"III. Sightseeing-tour carriers should not be regulated as public utilities."

Under the holding of the Western Travel Plaza, Inc. case, this application should be dismissed for lack of jurisdiction. However, the Western Travel Plaza, Inc. decision is not yet final. In that decision we stated that:

"We anticipate some parties will seek rehearing of this decision and, if rehearing is not granted, seek review of this decision by the California Supreme Court."

Timely petitions for rehearing were filed and D.93726 has been stayed until further order of the Commission. Because of this, D.93726 provides for temporary certificates on an interim basis for pending and new (entry) applications.

The Commission's present policy is to foster competition. In O'Connor Limousine Service (1979) 1 CPUC 2d 285 at 292, we stated that "competition tends to bring out the highest degree of effort and imagination in a business endeavor to the benefit of the public" and we further stated that "competition in the area of sightseeing bus operations is a most desirable goal." In view of these policies, we now see no useful purpose in retaining the restriction which applicant seeks to have removed. Consistent with other contested sightseeing-tour carrier certification matters since D.93726, we will issue an interim order removing the restriction.

Findings of Fact

1. In D.92419 dated November 18, 1980, applicant was granted a certificate of public convenience and necessity to establish and operate an on-call automotive service for sightseeing purposes.

2. A public hearing is not necessary.

Conclusions of Law

1. If D.93726 is not altered or annulled, this proceeding would be dismissed for lack of jurisdiction.

2. Applicant should be granted authority to conduct its tours in the English language as well as in the Spanish language.

3. The restriction in applicant's certificate limiting it to conducting tours in Spanish only should be deleted until further order.

4. This order should be effective today because there is no useful purpose in retaining the restriction any longer.

INTERIM ORDER

IT IS ORDERED that:

1. Restriction (c) set forth in Original Page 1 of Appendix A in D.92419 shall be deleted as set forth in First Revised Page 1 of Appendix A to this decision.

2. This application shall be kept open pending the final outcome of D.93726 on rehearing.

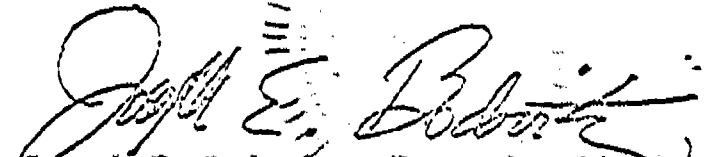
This order is effective today.

Dated JUL 21 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

Commissioner Leonard M. Crimes, Jr.,
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

Appendix A
(D.92419)

NORBERTO CAMPISI
Doing Business As
TRANS-TRAVEL
(PSC-1139)

First Revised Page 1
Cancels
Original Page 1

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS.

Norberto Campisi, dba Trans-Travel, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing and pleasure trips between the City of Los Angeles, on the one hand, and certain points, on the other hand, over and along the routes described subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) All service authorized shall be limited to the transportation of round-trip passengers only.
- (b) Service shall be operated on an "on-call" basis. The term on-call as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which each authorized on-call service will be rendered.
- * (c) Deleted.
- (d) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (e) Passengers shall not be discharged at San Ysidro nor at any point along the Mexican border.
- (f) Routes may not be combined unless otherwise indicated.

Issued by California Public Utilities Commission.

*Deleted by Decision 82 07 111, Application 82-04-56.

ORIGINAL

Decision 82 07 111 JUL 21 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Norberto Campisi, doing business as)
Trans-Travel, to remove the restric-)
tion of the conducting of tours in)
the Spanish language between cer-)
tain points in Southern California.)

Application 82-04-56
(Filed April 26, 1982)

INTERIM OPINION

In Decision (D.) 92419 issued November 18, 1980,
applicant was granted a certificate of public convenience and
necessity to establish and operate an on-call automotive service
for sightseeing purposes. Restriction (c) of Section I on
Original Page 1 of Appendix A states:

"(c) All of the tours shall be conducted
in the Spanish language only."

Applicant now requests that this restriction be removed
so that applicant may conduct tours in the English language also.

Applicant alleges that the service will not affect the
service of any existing common carrier. However, parties who
may be affected by the proposed operation have been served a
copy of this application.

Applicant requests an ex parte order be granted
authorizing the deletion of Restriction (c) of Section I,
Original Page 1 of Appendix A.