

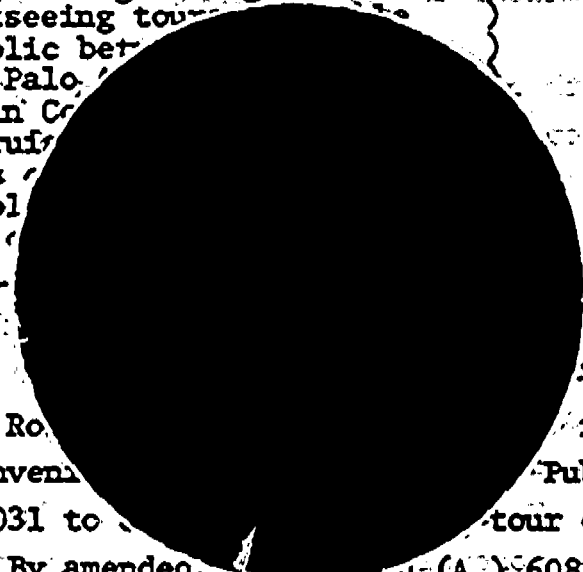
Decision 82-08-030 AUG 18 1982

OFFICIAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of: Robert S. Jagelski For Extension of Service Application #60822 for a Certificate of Public Convenience and Necessity authorizing The Applicant to operate a Passenger Stage service with sightseeing tours to the public between San Jose, Palo Alto, City, Marin County and Bay-Cruft provisions of the Public Utilities Code of the State of California

Application #60822 (Filed August 17, 1981; amended June 21, 1982)



Robert S. Jagelski requests a certificate of Public Utilities Code Section 1031 to expand his sightseeing-tour operations.

By amended Application (A.) #60822, dated June 21, 1982, applicant requests authority to expand his operations to include guided sightseeing-tours from various hotels and motels in the Cities of San Jose, Santa Clara, Sunnyvale, Mountain View, Los Altos, and Palo Alto to the points of interest in the City and County of San Francisco and Vista Point at the north end of Golden Gate Bridge in Marin County.

In Decision (D.) 93726 in A.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.

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 orders Series 79, 98, 101, and California Highway Patrol
- e. ... in conformity with counts.

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San Francisco, California.

JOHN E. BRYSON
 President
 RICHARD D. GRAVELLE
 LEONARD M. CRIMES, JR.
 VICTOR CALVO
 Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate

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

Joseph E. Bodovitz
 Joseph E. Bodovitz, Executive Director

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Decision SZ-08-030

AUG 18 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of: Robert S. Jagelski For Extension of Service Application #60822 for a Certificate of Public Convenience and Necessity authorizing The Applicant to operate a Passenger Stage service with sightseeing tours available to the public between points in San Jose, Palo Alto, San Francisco City, Marin County Vista Point and Bay Cruise. Pursuant to the provisions of section 1031, et seq. of the Public Utilities Code of the State of California.

Application 60822
(Filed August 17, 1981;
amended June 21, 1982)

INTERIM OPINION

Robert S. Jagelski (applicant) requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

By amended Application (A.) 60822, dated June 21, 1982, applicant requests authority to expand his operations to include guided sightseeing-tours from various hotels and motels in the Cities of San Jose, Santa Clara, Sunnyvale, Mountain View, Los Altos, and Palo Alto to the points of interest in the City and County of San Francisco and Vista Point at the north end of Golden Gate Bridge in Marin County.

In Decision (D.) 93726 in A.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. Robert S. Jagelski is granted a temporary certificate of public convenience and necessity to operate a sightseeing-tour service over the routes proposed in Application 60822, as amended, until further order of the Commission and is assigned Passenger Stage Corporation PSC-1196. The authority granted is in addition to the authority granted in Decision 93868, dated December 15, 1981. 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 AUG 18 1982 , at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
Commissioners

Commissioner Priscilla C. Crow,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director