

ORIGINAL

Decision 82 CS 034

AUG 18 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JOY-TAK, INC. for a certificate of public convenience and necessity authorizing the applicant to operate a passenger stage service, with VIP city tours available to Japanese tourists on a per capita basis between points in San Francisco and Marin County pursuant to the provision of section 1031 et seq. of the Public Utilities Code of the State of California.

Application 82-02-53  
(Filed February 22, 1982;  
amended June 2, 1982)

INTERIM OPINION

By its amended application, Joy-Tak, Inc., a California corporation, requests a certificate of public convenience and necessity to establish and operate a tour of San Francisco and the Sausalito area of Marin County to be conducted in the Japanese language.

Applicant's original filing on February 22, 1982 did not meet the service requirements of Rule 21(f) of the Commission's Rules of Practice and Procedure in that only the San Francisco County Clerk was sent a copy of the application. Having been advised of that deficiency, applicant sent copies of its filing to the following: Clerk of the Board of Supervisors, City and County of San Francisco; Dolphin Tours; The Gray Lines, Inc.; San Francisco Bay Tours; Nippon Express USA, Inc.; Kintetsu International Express USA, Inc.; Pacifico Creative Service.

On April 22, 1982 Dolphin Tours wrote a letter pointing out that applicant's tour was proposed to be conducted wholly in San Francisco and did not require certification under Public Utilities (PU) Code § 226. Applicant thereupon filed an amendment to its application to include parts of Marin County in the proposed tour. This amendment was filed on June 2, 1982 and served upon the following: Clerk of the Board of Supervisors, City and County of San Francisco; County Clerk, Marin County Civic Center; Dolphin Tours; Pacifico Creative Service; The Gray Line; Kintetsu International Express USA, Inc.; Nippon Express Co.; Jetours USA, Inc.; San Francisco Bay Tours. No protests have been received; a public hearing is not necessary.

During our further review of Decision 93726 in Application 59618 et al. issued November 13, 1981, we are acting on sightseeing-tour service certification matters ex parte and with interim opinions. That is the course we will follow here.

Applicant has held a certificate from the Commission (TCP-551) and has operated for six years to date. It has two Cadillac limousines and three Dodge vans. Stockholders' equity is represented to be \$104,451 as of December 31, 1980.

The proposed tour will be conducted at 9:30 a.m. and at 1:30 p.m. every day, commencing and terminating at the Hyatt Hotel on Union Square in San Francisco. Fare will be \$28.

Findings of Fact

1. Applicant has the necessary equipment, ability, and financial resources to perform the proposed service.
2. There is a public need for this sightseeing-tour service.
3. The proposed fare is justified.
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. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and the application should be granted. Since the public will benefit from immediate institution of the proposed service, 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. A temporary certificate of public convenience and necessity is granted to Joy-Tak, Inc. authorizing it to operate sightseeing-tour service to be conducted in the Japanese language as a passenger stage corporation, as defined in PU Code § 226, between the points and over the routes set forth in the amended application, transporting persons and baggage. A permanent certificate prepared by this Commission may be issued later 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.

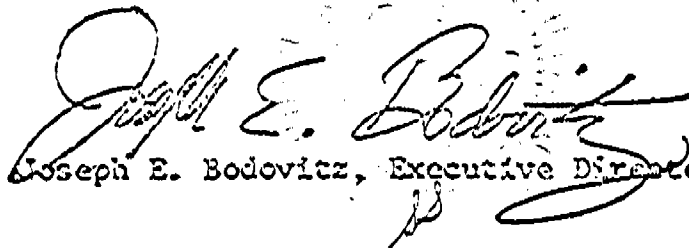
This order is effective today.

Dated AUG 18 1982, at 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, Executive Director

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