

ORIGINAL

Decision 82 OS 104

AUG 18 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DENNIS FELSO to modify an existing certificate of public convenience and necessity to authorize the applicant to operate as a passenger stage corporation 365 days of the year, with sightseeing tours available to the public on a per capita basis between points in San Francisco and Marin Counties, pursuant to the provisions of section 1031, et seq. of the Public Utilities Code of the State of California.

Application 82-03-110  
(Filed March 31, 1982)

INTERIM OPINION

Decision (D.) 90985 dated November 6, 1979 in Application (A.) 58214 granted applicant authority to operate sightseeing tours as a passenger stage corporation between the St. Francis and Fairmont Hotels in San Francisco, on the one hand, and points of interest in downtown San Francisco, Yerba Buena Island, and Sausalito, on the other hand, with passengers having the option of returning from Sausalito to San Francisco via an expense-paid ferry trip. Tours are authorized on Monday through Friday (holidays excepted), from June through November, inclusive. Applicant hires Class A or Class B charter-party carriers to provide the actual transportation.

Applicant has applied for three modifications to his present certificate: authority to operate tours 365 days of the year, to offer on-call service with half-hour minimum reservation time to all hotels in San Francisco, and to provide a tour to Alcatraz Island from Fisherman's Wharf. The wharf is visited on applicant's San Francisco tour.

A protest was filed on May 12, 1982 by O'Connor Limousine Service (O'Connor), a passenger stage corporation operating sightseeing tours out of San Francisco. O'Connor alleges that its protest was filed late because applicant failed to serve copies of the application on his competitors. O'Connor provides sightseeing tours to Muir Woods/Sausalito, Monterey/Carmel, Napa/Sonoma Wine Country, and through San Francisco. It is alleged that San Francisco hotels are already served by sufficient operators to handle the available business, which is very competitive, and that most of the carriers have a tour of San Francisco and one or more tours to Marin County. Protestant also alleges that applicant has been picking up passengers at hotels he is not authorized to serve and that applicant does not always follow his designated tour routes.

Applicant's original certificate was granted in 1979 prior to the Commission policy of granting interim sightseeing-tour authority to all who ask for it. In D.93726 in N.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. Dennis Felso has on file evidence of the required minimum insurance coverage set by General Order 101. Accordingly, we will grant this application.

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 has been filed, 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. The certificate of public convenience and necessity to operate a sightseeing-tour service granted to Dennis Falso by D.90985 (PSC-1096) is temporarily amended to authorize the service proposed in the application until further order of the Commission. A permanent amendment to the 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 Systems of Accounts. ✓

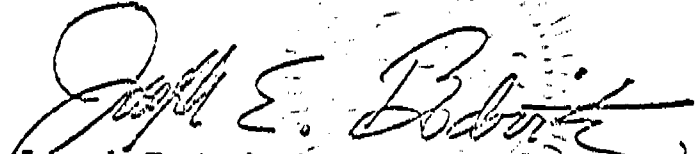
This order is effective today.

Dated August 18, 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, 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

- 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 Systems of Accounts.

SS

~~3. The authority granted by D.90985 is revoked.~~

This order is effective today.

Dated AUG 18 1982, at San Francisco, California.

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

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