

Decision 82 09 039 SEP 8 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOSE FERNANDINI-)
 ALTABAS, dba Multilingual Tours)
 for a Certificate of Public)
 Convenience and Necessity)
 authorizing the Applicant to)
 operate a Passenger Stage)
 Service, with sightseeing tours)
 available to the public on a)
per capita basis between the)
 Counties of San Francisco,)
 Marin, Sonoma, Napa, Contra)
 Costa, Alameda, San Mateo,)
 Santa Cruz, Monterey, Merced)
 and Mariposa pursuant to the)
 provisions of the Public)
 Utilities Code of the State of)
 California.)

Application 82-06-44
 (Filed June 17, 1982)

INTERIM OPINION

Jose Fernandini-Altabas requests a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations.

Applicant will provide service from San Francisco to the Counties of Marin, Sonoma, Napa, Contra Costa, Alameda, San Mateo, Santa Cruz, Monterey, Merced, and Mariposa. He is proposing daily tours through San Francisco and Muir Woods; 3-day-a-week service to Monterey/Carmel and the Wine Country, with a Yosemite Tour scheduled every Thursday. A minimum of four passengers will be required on foreign language tours which will be offered in Spanish, Italian, German, Portuguese, French, and Chinese. Fares vary from a minimum of \$15 on English-speaking San Francisco and Muir Woods Tours to a maximum of \$95 on a foreign language only Yosemite Tour. The English-speaking Yosemite Tour is \$65. Applicant has a 12-passenger Ford van and an 8-passenger Ford station wagon. The other operating equipment required will be chartered from Interamerican Tours, which can supply 15-passenger vans or 7-passenger limousines.

Patrons will be picked up at hotels or at 304 Mason Street, in San Francisco. The Mason Street address is the downtown departure point. Advance reservations will be required and tours will be transported everyday on a year-round basis.

Notice of the filing of this application appeared on the Commission's Daily Calendar. A protest was filed by Ronald H. Davis, doing business as Mini Charter Co. Davis operates sightseeing tours from San Francisco to Sausalito, Muir Woods, Monterey/Carmel, and the Wine Country, in addition to day and night city tours of San Francisco. Foreign language translations are provided without additional charge. Davis alleges that applicant seeks to intrude where adequate service is already provided by many others who do not always operate at a profit. Davis requests that applicant be required to prove his financial stability and the need for his proposed service before his application is granted.

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. Jose Fernandini-Altabas must file evidence of the required minimum insurance coverage set by General Order (GO) 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 GO 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. Jose Fernandini-Altabas 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-1246. 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 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.

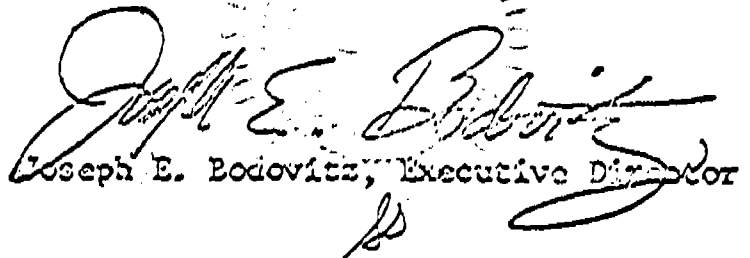
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated SEP 8 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director