

Decision 82 10 011 OCT 6 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of PINETREE SERVICE CORPORATION,)
 INC., a California corporation,)
 to redefine its service area in)
 Los Angeles County for existing)
 sightseeing tour service.)

Application 82-07-41
 (Filed July 19, 1982)

INTERIM OPINION

Pinetree Service Corporation, Inc. (Pinetree) holds passenger stage corporation authority (PSC-1152). Its certificate authorizes: (1) sightseeing service from 27 hotels in Los Angeles County and four hotels in Orange County to various attractions and points of interest in these counties, and (2) airport access service in various areas of southern California. It and its subsidiary, California Charter Buses, hold various charter and interstate passenger bus authorities.

By this application Pinetree seeks to enlarge the area from which its sightseeing service is being provided in Los Angeles County. The boundary lines of the proposed area are described in the application as follows:

"All that portion of Los Angeles County bounded by Topanga Canyon Boulevard on the West, Roscoe Boulevard and its easterly projection to the westerly San Bernardino County line on the north, the easterly and southeasterly Los Angeles County Line on the east and southeast and the Pacific Ocean on the southeast on the southwest and south."

The application has been protested by The Gray Line Tours Company, Orange Coast Sightseeing Company, and Starline Sightseeing Tours, Inc. Among other things, the protestants contend that no need exists for the proposed service under either conventional standards of public convenience and necessity or the more restrictive

provisions of Public Utilities Code § 1032. It is the further contention of protestants that the Commission's recent policy of granting sightseeing certificates which duplicate existing carrier certificates have a cumulative adverse effect on existing sightseeing carriers.

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. Pinetree has filed evidence of the required minimum insurance coverage set by General Order (GO) 101 in connection with its present operations.

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, 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. Pinetree Service Corporation, Inc. is granted a temporary certificate of public convenience and necessity to operate the sightseeing-tour service described in its Passenger Stage Corporation PSC-1152 from the enlarged area in Los Angeles County proposed in the application until further order of the Commission. 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 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.

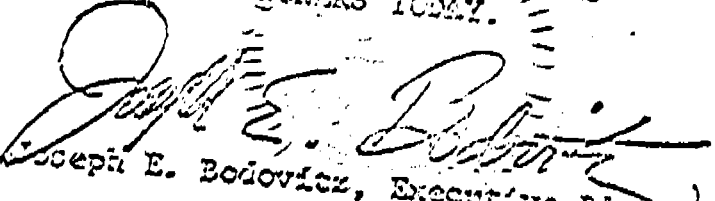
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated OCT 6 1982, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director