

Decision 82 10 057 OCT 20 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of MOUNTAIN AND BEACH WALKS, INC., a California corporation, for a certificate of public convenience and necessity to operate passenger service namely, sightseeing rural and beach areas within the County of Los Angeles and Ventura County.

Application 82-07-45
(Filed July 21, 1982)

INTERIM OPINION

Mountain and Beach Walks, Inc., a California corporation, requests a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations. Applicant proposes to operate the following service:

Tours will originate at designated hotels and motels in the greater Los Angeles area and proceed to nearby state or county parks, national recreation areas, or public beaches. Passengers will be transported and then complete the walking portion of the tour, which includes a meal. Tours will be operated Tuesday through Friday, with a minimum of 5 passengers for each 6-hour tour, starting at 9:00 a.m. An adult fare of \$30 is proposed, with \$25 for children ages 5 to 11. The fare for younger children will be \$5. All fares include the walking tour and the meal.

Applicant is purchasing a new 12-passenger van. Additional equipment will be obtained from other operators as required. Applicant's balance sheet indicates a net worth of approximately \$10,000. Applicant operates out of a business office in Encino, California.

Gray Line Tour Co. of Los Angeles received a copy of the application. Notice of the filing was published July 26, 1982 in the Commission's Daily Calendar. No protests have been received.

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. Applicant must file evidence of the minimum insurance coverage required 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 authority should be granted; since there is an alleged need for the proposed service and liability insurance required by General Order 101 will be in effect 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. Mountain and Beach Walks, Inc., 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-1255. A permanent certificate may be issued in 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.

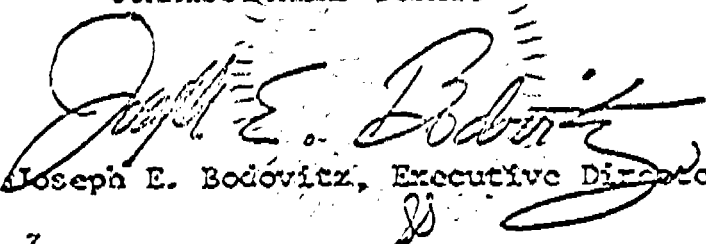
This order is effective today.

Dated October 20, 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

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