

Decision 82 10 062

OCT 20 1982

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of El Paseo Tours, Inc., a Cali-  
fornia corporation, for a certifi-  
cate of public convenience and  
necessity to operate as a passenger  
and express baggage service between  
points in San Diego County and  
points in California.

Application 82-05-43  
(Filed May 17, 1982)

INTERIM OPINION

Applicant El Paseo Tours, Inc., a California corporation, requests a certificate of public convenience and necessity under Public Utilities (PU) Code Section 1031 to conduct sightseeing-tour operations.

Applicant proposes to offer sightseeing bus tours between the City of Chula Vista, in San Diego County, and various points of interest in San Diego, Riverside, Orange, Los Angeles, Ventura, San Bernardino, Santa Barbara, Inyo, San Luis Obispo, Monterey, Santa Cruz, San Mateo, Marin, Mendocino, Sacramento, Mariposa, Tuolumne, Madera, Fresno, Placer, El Dorado, San Francisco, and Del Norte counties and intermediate points.

Notice of the filing of this application appeared in the Commission's Daily Calendar of May 19, 1982. Gray Line Tours Company (GLT) filed a protest on June 23, 1982.<sup>1/</sup> GLT requested a hearing to (a) describe its service and facilities, (b) demonstrate

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<sup>1/</sup> Greyhound Lines, Inc. indicates that it would have no interest in this proceeding if applicant proposes to conduct a sightseeing or tour service.

the extent of duplication of service between itself and applicant, (c) show the adverse financial and operational impacts on GLT if applicant is granted the authority it seeks, (d) demonstrate the cumulative effects on existing carriers resulting from the Commission's policy of granting sightseeing certificates duplicating existing certificates, (e) cross-examine applicant's witnesses on the feasibility of applicant's operation, and to (f) demonstrate that the proposed services are unnecessary and duplicate existing services.

GLT alleges that (a) applicant apparently does not propose to perform a sightseeing service and, therefore, the findings and conclusions in Decision (D.) 93726 are inapposite to this application; (b) service of the application was not in accordance with the Commission's Rules of Practice and Procedure;<sup>2/</sup> and that (c) there is no need for the proposed service under either conventional standards or the more restrictive conditions of PU Code Section 1032.

In its letters of September 2 and 3, 1982, applicant clarified the nature of its proposed service. It proposes solely to provide round-trip, sightseeing-tour service. Applicant will require five working days of advance notice prior to the day of a tour. It will establish a 15-person minimum, without cancellation, for each tour. It will charge for the tours on a per capita basis.

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<sup>2/</sup> The application shows that a copy of the application was mailed to GLT's local office in San Diego on May 6, 1982.

In 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 has adequate public liability insurance. Applicant has clarified its intent to provide sightseeing-tour service over numerous loops originating in Chula Vista. Accordingly, we will grant this application. We would take this action even if GLT had timely filed its protest. However, applicant must file evidence of the required minimum insurance coverage set 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 operating authority should be granted; since there is a need for the proposed service and liability insurance set by General Order 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. El Paseo Tours, 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-1256. A permanent 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 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.

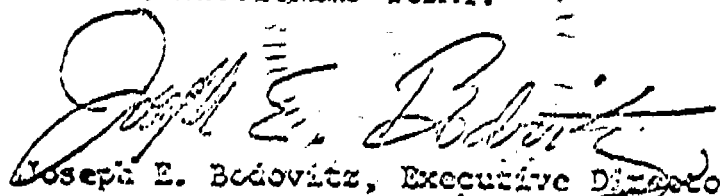
This order is effective today.

Dated OCT 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. Bedovitz, Executive Director

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