

ORIGINAL

Decision 82 11 067 NOV 17 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of: ANZAC CALIFORNIA TOURS AND)
LIMOUSINE SERVICE, INC., a)
California corporation, for a)
temporary and permanent certifi-)
cate of public convenience and)
necessity authorizing the)
applicant to operate a passenger)
stage corporation, with sight-)
seeing tours available to the)
public on a per capita basis)
and between points in Los Angeles)
and Orange Counties, pursuant to)
the provisions of Section 1031,)
et sec., of the Public Utilities)
Code of the State of California.)

Application 82-08-11
(Filed August 3, 1982)

INTERIM OPINION

Anzac California Tours and Limousine Service, Inc. (Anzac) is a California corporation operating out of Los Angeles. It has a charter-party permit (TCP-127P) and a Class A charter-party carrier certificate (TCP-127A). It also holds temporary operating authority from the Interstate Commerce Commission in Docket No. M.C.-159782 authorizing the transportation of passengers and their baggage in charter operations between points in California, on the one hand, and points in Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming, on the other hand. An application was filed on June 10, 1982 for a permanent grant of authority from the Interstate Commerce Commission.

Anzac is requesting authority to provide guided sightseeing bus tours to Disneyland in Anaheim (Orange County), and to Universal Studios, in addition to a Los Angeles city tour. The tours will be offered seven days a week, year around, with pickups at designated motels near the Los Angeles International Airport. Disneyland Tours will pick up at 8:00 a.m. on weekdays and 7:00 a.m. on weekends and holidays. Buses will return at about 5:15 p.m. The Universal Studios Tour begins at 9:30 a.m. and returns at 4:15 p.m.; the city tour extends from 8:30 a.m. to 5:00 p.m. Adult fares are \$30.75 (or \$37.75 with guide service) to Disneyland, \$30.00 to Universal Studios, and \$26.00 for the city tour. The fare for children (3-11 years) is \$10 less, and the junior (12-17 years) fare for Disneyland and the city tour is \$5.00 lower than the adult fare.

Anzac operates 8 vehicles, including 2 buses, 1 limousine (7-passenger), and 5 vans. Anzac attached a financial statement to its application and filed an amended statement on September 2, 1982. The later filing lists gross operating income for the fiscal year ending on June 30, 1982 as \$136,630.24, operating expense is \$127,472.48, assets total \$76,000 and liabilities \$50,000. Anzac's net worth is about \$25,000.

Copies of the application were mailed to 8 sightseeing bus operators and the filing of the application was noted in the Commission's Daily Calendar on August 6, 1982.

A protest and request for public hearing was filed on August 20, 1982, by Orange Coast Sightseeing Company (Orange Coast), a California corporation operating out of Anaheim, California. Orange Coast operates as a passenger stage corporation conducting sightseeing tours from hotels and motels in the vicinity of the Los Angeles International Airport to Disneyland, Knott's Berry Farm,

and Universal Studios, under operating authority last stated in Decision (D.) 82-03-040, dated March 2, 1982. Orange Coast alleges that there are already too many sightseeing operators in the area and another one is not needed. Orange Coast has requested that it be allowed to present evidence at a public hearing regarding Anzac's financial ability and experience in sightseeing operations.

In D.93726 in Applications 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, and confirmed in D.82-09-087 issued September 22, 1982 (opinion on rehearing), 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. Anzac 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 an alleged 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. Anzac California Tours and Limousine Service, 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-1261. 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.

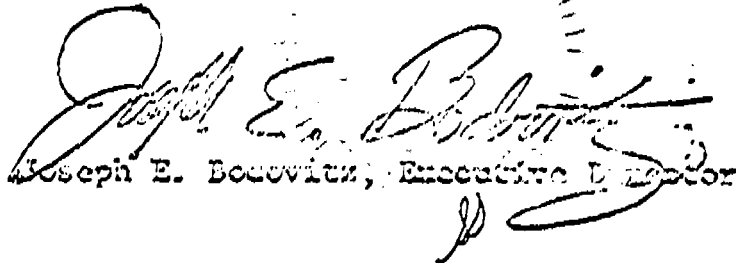
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated NOV 17 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. Bouovitz, Executive Director