

ORIGINAL

Decision 82 12 030 DEC 1 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 FUNBUS SYSTEMS, INC., for a )  
 Certificate of Public Convenience and )  
 Necessity to operate round-trip, )  
 loop sightseeing tours between )  
 points in Orange County, on the one )  
 hand, and points in Los Angeles )  
 County, on the other hand; between )  
 points in Los Angeles County, on the )  
 one hand, and points in Orange )  
 County, on the other hand; and )  
 between points in Orange County, on )  
 the one hand, and points in Orange )  
 County, on the other hand. )

Application 82-08-55  
(Filed August 23, 1982)

INTERIM OPINION

Funbus Systems, Inc. requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

The proposed service will provide daily pickup service at selected hotels and motels in Los Angeles and Orange Counties, proceeding for ticketing to applicant's terminal at 304 Katella Way in Anaheim. Passengers will be delivered to various destinations with en route sightseeing. One tour visits Disneyland and Knott's Berry Farm. Another connects to Harbor Cruises' terminal and visits Newport Beach, Fashion Island, and South Coast Plaza. Another stops at the Queen Mary, Catalina Cruises, Marineland, and Ports O' Call. Others go to Universal Studios and/or Hollywood and Beverly Hills. Once the tours are completed, passengers are transported back to their hotel or motel.

On September 16, 1982 protests were filed on behalf of Orange Coast Sightseeing Co. and Starline Sightseeing Tours claiming that applicant's proposed operations would substantially duplicate their operations. Both asserted that there was substantial over-capacity in the market in question. Both claimed that hearings should be held.

In Decision (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 grant this application. 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 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. Funbus Systems, 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-1264. 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.

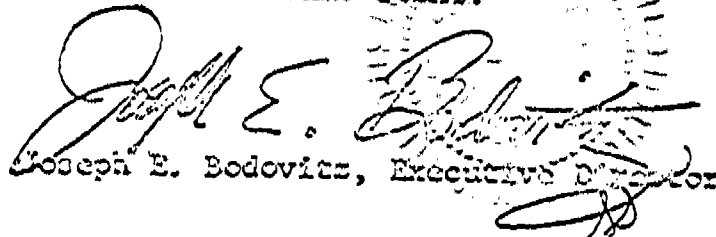
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated DEC 1 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director