

ORIGINAL

Decision 82 12 090 DEC 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The application of Ronald M. Arko,)
dba Arko's Mini Tours, for a)
passenger stage certificate)
authorizing applicant to offer)
sightseeing tours to the public on)
a per capita basis between points)
of interest in the State of)
California.)

Application 82-09-37
(Filed September 24, 1982)

INTERIM OPINION

Ronald M. Arko requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

Applicant has applied to transport tour groups from motels, camp grounds, and other convenient locations in El Cajon (San Diego County) to:

1. Old Town in San Diego;
2. Sea Port Village on the San Diego Harbor;
3. Hotel Del Coronado;
4. A San Diego Harbor Excursion.

All tours are scheduled to last from 8:30 a.m. to 4:30 p.m. Adult fares for the four tours are \$15.00, \$15.00, \$17.00, and \$24.95. Applicant owns a 14-passenger van and will lease additional equipment as required.

Applicant's current financial statement shows total assets of \$722,000, a debt of \$97,000, and a net worth of \$625,000. Copies of the application were mailed to three local bus operators and to the clerks of El Cajon and San Diego Counties. The filing of the application was noted on the Commission's Daily Calendar of September 27, 1982. No protests have been filed.

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 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. Ronald M. Arko 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. Ronald M. Arko 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-1274. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicant shall:

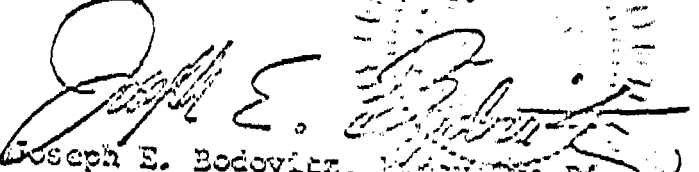
- a. File a written acceptance of this authority within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in his tariffs and timetables when service will start; allow at least 10 days' 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 15 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 JOINTLY.


Joseph E. Bodovitz, Executive Director