

ORIGINAL

Decision 83 01 019 JAN 12 1983

BEFORE THE PUBLIC UTILITIES, COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of PINETREE SERVICE CORPORATION, }
INC., a California corporation, }
to redefine its service area in }
Orange County for existing }
sightseeing tour service. }

Application 82-10-04
(Filed October 29, 1982)

INTERIM OPINION

Pinetree Service Corporation, Inc. (Pinetree) holds passenger stage corporation authority (PSC-1152). Its certificate authorizes: (1) sightseeing service from various hotels in Los Angeles County and four hotels in Orange County to various attractions and points of interest in these counties and (2) airport access service in various areas of southern California. It and its subsidiary, California Charter Buses, hold various charter and interstate passenger bus authorities.

By this application Pinetree seeks to enlarge the area from which its sightseeing service is being provided in Orange County. The boundary lines of the proposed area are described in the application as follows:

"All of Orange County and incorporated cities and communities situated therein excluding that portion lying southeasterly of Ortega Highway (State Route 74) and its Southwesterly prolongation to the Pacific Ocean."

The application has been protested by Orange Coast Sightseeing Company. Among other things, protestant contends that there are no facts showing the proposed operation is required by public convenience and necessity under Rule 21 (j) of the Commission's Rules of Practice and Procedure.

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, 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. Pinetree has filed evidence of the required minimum insurance coverage set by General Order (GO) 101 in connection with its present operations.

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, 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. Pinetree Service Corporation, Inc. is granted a temporary certificate of public convenience and necessity to operate the sight-seeing-tour service described in its Passenger Stage Corporation PSC-1152 from the enlarged area in Orange County proposed in the application until further order of the Commission. A permanent certificate prepared by this Commission may be issued by 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.

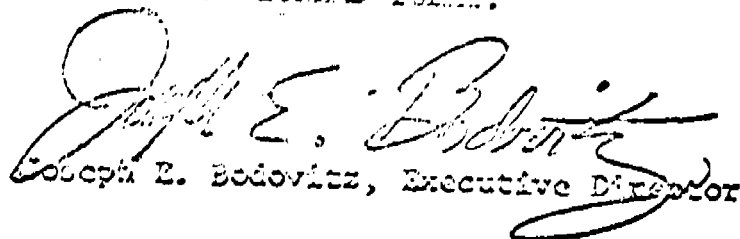
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated JAN 12 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director