

Decision S3 01 031 JAN 12 1983

OFFICE OF THE
SECRETARY OF STATE

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NORMAN LA VINE and)
ANGELA LA VINE dba ANJA'S HAPPYTIME)
TOURS for certificate of public)
convenience and necessity to operate)
passenger sightseeing tour service)
between Morro Bay and points of)
interest in San Luis Obispo County,)
California.)

Application 82-10-13
(Filed October 7, 1982)

INTERIM OPINION

Applicants Norman La Vine and Angela La Vine, dba Anja's Happytime Tours, request a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

Applicants propose to offer guided sightseeing bus tours with historical commentary. Applicants will pick up passengers at motels in the City of Morro Bay, San Luis Obispo County, and will conduct the following round-trip sightseeing tours to various points of interest in the county as follows:

- a. A half-day tour of Morro Bay, Los Osos, and Baywood Park.
- b. A one-day tour of Hearst Castle via Cambria and Harmony.
- c. A one-day tour of wineries in Paso Robles, Templeton, and York Mountain.

Applicants will require advance notice by at least six persons a day before a tour is scheduled. Applicants will give 24-hour notice of the cancellation of a tour to local motels booking passengers for them if fewer than six passengers are booked. They will charge for the tours on a per capita basis. Applicants indicate that they will comply with the Commission's minimum insurance coverage in General Order Series 101.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar on October 12, 1982. No protests were received.

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.

Findings of Fact

1. The proposed operations are sightseeing-tour services over loops.

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 services and liability insurance set by General Order Series 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. Norman La Vine and Angela La Vine are 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 are assigned Passenger Stage Corporation PSC-1273. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicants 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 their 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.

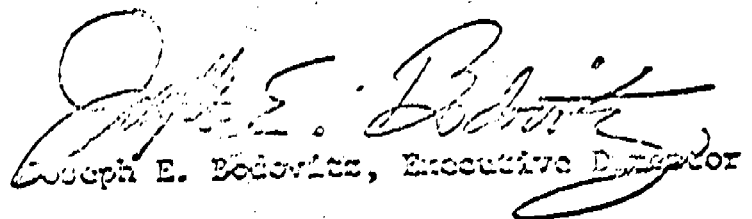
- d. Comply with General Orders Series 79, 90, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

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