

FEB 2 - 1983

Decision 83 02 030

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LAURIE GROSSMAN
 and SYLVIA SMITH for a certificate
 of public convenience and necessity
 to operate a passenger stage serv-
 ice between points in San Francisco
 and Berkeley and the following
 counties: Alameda, Contra Costa,
 El Dorado, Fresno, Humboldt, Inyo,
 Kern, Marin, Mariposa, Mendocino,
 Mono, Monterey, Napa, Placer,
 Sacramento, San Mateo, Santa Cruz,
 Sonoma and Tuolumne.

Application 82-10-54
(Filed October 25, 1982)

INTERIM OPINION

Laurie Grossman and Sylvia Smith, dba A Real Good Time, request a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations.

Applicants propose to use a van-type vehicle to transport small numbers of industrial passengers, on call, from Berkeley or San Francisco to numerous places of interest within California. They will also offer special excursions for seasonal events.

Notice of this application appeared in the Commission's Transportation Calendar on October 28, 1982. No protests have been 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. Accordingly, we will grant this application. Applicants 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. Laurie Grossman and Sylvia Smith 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-1287. 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.

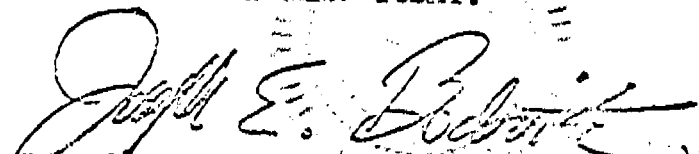
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in their tariffs and timetables when service will start; allow at least 10 days' notice to the Commission, and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 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 2 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