

Decision 83 02 033 FEB 2 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
BARBARA MALAKOFF for a Certificate)
of Public Convenience and Necessity)
authorizing the Applicant to operate)
a Passenger Stage service, with)
sightseeing tours available to the)
Public on a per capita basis between)
points in Sacramento City and County,)
under the provisions of Section 1031,)
et seq. of the Public Utilities Code)
of the State of California.)

Application 82-10-53
(Filed October 25, 1982)

INTERIM OPINION

Applicant is a Sacramento resident and a tour guide. She has applied for a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

Applicant will be operating from one to eight different tours, depending on demand for them. All tours will be 3 to 4 hours in length and will be run between the hours of 9:00 a.m. to 12:00 p.m., 12:30 p.m. to 4:30 p.m., and 6:30 p.m. to 10:30 p.m. Pickups will be made at hotels in the Sacramento and West Sacramento areas. Fares will range from \$10.00 to \$40.00 per person. Tours will visit the following points of interest:

- Tour 1. Old Sacramento, the State Capitol, Sutter's Fort, and the Governor's Mansion.
- Tour 2. A grand tour of old Sacramento, expanded to include Crocker Art Museum, The Capitol, and
Sacramento State University.

- Tour 3. Town of Folsom, Folsom Prison, and Folsom Dam.
- Tour 4. Heritage Farms Cheese Factory and Frasinetti Winery.
- Tour 5. A visit to River City Brewing Co. and the California Almond Growers Exchange to tour and taste.
- Tour 6. A cruise on the Sacramento River and attendance at a nightclub show in old Sacramento.
- Tour 7. A drive around the islands of the Delta and a visit to the historic Ryde Hotel, with a tour of Locke and Freeport.
- Tour 8. The Railroad Museum, the State Capitol, and the Governor's Mansion.

Service is to be provided by one or more new or late model 15-passenger vans. Tours will be divided into groups of 14, or less, and all drivers will be qualified to guide the tours. There are no other tour operators performing the service proposed by applicant, although at least one company provides a tour of old Sacramento. Applicant has included a statement of financial ability which states that applicant has in excess of \$5,000 as a cash reserve and available to invest in the business.

The County Clerks of Sacramento and Yolo Counties were mailed copies of the application; copies were also mailed to the city clerks in Sacramento and Folsom. No operators were served, but the filing of the application was noted on the Commission's Daily Calendar of October 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

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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. Barbara Malakoff 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. Barbara Malakoff 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-1284. A permanent certificate prepared by this Commission may be issued by a final order.

Applicant shall:

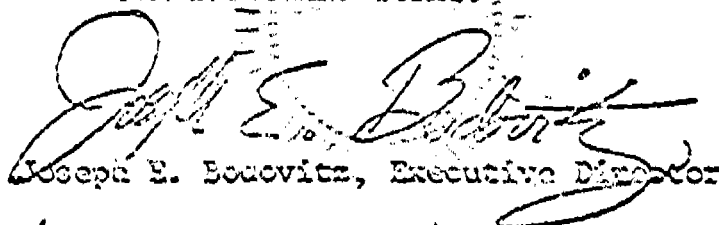
- a. File a written acceptance of this authority within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in her tariffs and timetables when service will start; allow at least 10 days'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


Joseph E. Bodovitz, Executive Director

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