

Decision 83 05 034

MAY 18 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application  
of GUAYCURA TOURS, INC. for a  
Class B charter bus certificate  
from home terminal in 1129 Third  
Ave., Chula Vista, CA 92011.

Application 83-02-25  
(Filed February 14, 1983)

O P I N I O N

Applicant Guaycura Tours, Inc., a California corporation, seeks authority to operate as a Class "B" charter-party carrier of passengers from its headquarters in Chula Vista, California. Applicant proposes to provide this service using one 1961 GMC 39-passenger Omni bus and one 1972 GMC 41-passenger Omni bus, both of which are owned by applicant.

Applicant's home terminal is located at 1129 Third Avenue, Chula Vista, California 92011.

Notice of filing of the application appeared on the Commission's Daily Transportation Calendar dated February 16, 1983. No protests to the application have been received by the Commission within the protest period.

Applicant's financial condition as of February 3, 1983 shows assets of \$128,714 and total liabilities of \$5,513. Applicant lists the Bank of Coronado, San Ysidro Branch, and the California Commerce Bank, in San Ysidro, California, as financial references. The application states that applicant is insured through TVI/UBOA Transportation Insurance, Inc. located at 1176 Main Street, Suite B, Irvine, California 92714. Applicant's officers and associates have approximately five years of charter work experience

with the United States travel agencies tours, a similar period as representative of the United States and Mexican transportation companies, and over four years experience transporting people as a nonprofit organization in the San Diego area. The officers have also had responsibility for city tours in Ensenada, Mexico.

Discussion

Based upon its past transportation experience as indicated in the application, applicant has demonstrated operational as well as financial fitness to adequately conduct the proposed service.

This is an ex parte matter without public hearing. As a result, there has been no evidence presented to show public convenience and necessity. Although there have been no protests to this application, it is possible that applicant's proposed service will be in competition with other carriers. In Decision (D.) 90154 issued April 10, 1979 we pointed out that competition tends to bring out the highest degree of effort and imagination in a business endeavor to the benefit of the public. Public convenience and necessity, broadly speaking, are synonymous with the public interest. After weighing the advantages and disadvantages of competitive and monopolistic service in terms of overall benefit to the public, we have concluded that competition stimulates efforts of competitors to excel and that this accrues to the benefit of the general public. In D.91206 issued January 8, 1980 we stated that competition in the area of charter-party bus operations is a desirable goal and that a policy of limited competition under regulation would have a beneficial effect for the public interest. Because there have been no protests to the application, we conclude that this application is noncontroversial in nature and that the certificate should be granted.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. A public hearing is not necessary.

Conclusion of Law

Public convenience and necessity have been demonstrated and the certificate should be granted to pick up passengers within a radius of 40 air miles from applicant's home terminal at 1129 Third Avenue, Chula Vista, California.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Guaycura Tours, Inc., authorizing it to operate as a Class "B" charter-party carrier of passengers, as defined in Public Utilities Code Section 5383, from a service area with a radius of 40 air miles from its home terminal at 1129 Third Avenue, Chula Vista, California 92011.
2. Applicant shall:
  - a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
  - b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.

- c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

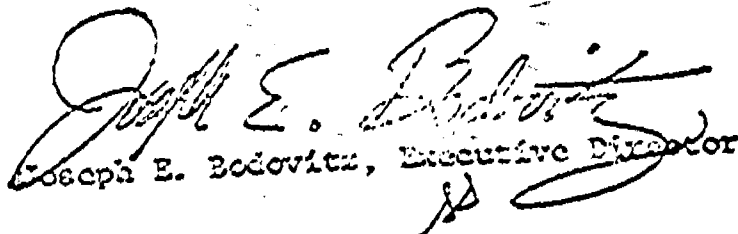
5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by the airport authority involved.

This order becomes effective 30 days from today.

Dated MAY 18 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